# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

CAUSE OF ACTION INSTITUTE 1875 Eye Street, N.W., Suite 800 Washington, D.C. 20006,	) ) )
Plaintiff,	)
v.	) Civil Action No. 19-413
U.S. DEPARTMENT OF VETERANS AFFAIRS 810 Vermont Avenue, N.W. Washington, D.C. 20420,  Defendant.	) ) ) )

# **EXHIBIT 3 TO COMPLAINT**

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August 6, 2018

### **VIA ELECTRONIC MAIL**

U.S. Department of Veterans Affairs Office of the General Counsel (024) 810 Vermont Avenue, N.W. Washington, D.C. 20420 Email: ogcfoiaappeals@va.gov

Re: Freedom of Information Act Appeal, Request No. 18-04113-F

Dear FOIA Appeals Officer:

This is a timely administrative appeal from the adverse determination of the Department of Veterans Affairs ("VA") on Cause of Action Institute's ("CoA Institute") February 5, 2018 Freedom of Information Act ("FOIA") request, No. 18-04113-F. Specifically, CoA Institute appeals the agency's use of Exemptions 3, 5, and 6; its failure to segregate non-exempt material from responsive records; its failure to meet its burden under the FOIA's "foreseeable harm" standard; its redaction of portions of records as "non-responsive"; and the adequacy of its search for responsive records.

# **Procedural History**

On February 5, 2018, CoA Institute submitted a FOIA request to the VA Medical Center in Tomah, Wisconsin, seeking access to various records concerning pharmacy operations and service disruptions.<sup>1</sup> Responsive records were expected to include "email communications and maintenance, inspection, and repair reports, relating to the climate control system," "temperature fluctuations or increases," or any "disruptions in the dispensing of medication[.]" CoA Institute requested a public interest fee waiver and categorization as a representative of the news media for fee purposes.<sup>3</sup>

By letter, dated May 21, 2018, the VA provided its final determination—described as an "initial agency decision"—indicating that it had conducted a search and identified fifty-four (54) pages of records responsive to CoA Institute's FOIA request.<sup>4</sup> Various portions of these records were withheld in part or in their entirety under Exemptions 3, 5, and 6.<sup>5</sup> In one instance, no applicable exemption was cited.<sup>6</sup> This timely appeal follows the VA's adverse determination.<sup>7</sup>

<sup>&</sup>lt;sup>1</sup> Letter from CoA Inst. to Shai Sims-Brown, FOIA Officer, Tomah VA Med. Ctr., Dep't of Veterans Affairs at 1 (Feb. 5, 2018) (attached as Exhibit 1).

<sup>&</sup>lt;sup>2</sup> *Id*.

<sup>&</sup>lt;sup>3</sup> *Id.* at 2–3.

<sup>&</sup>lt;sup>4</sup> Letter from Shai Sims-Brown, FOIA Officer, Tomah VA Med. Ctr., Dep't of Veterans Affairs, to CoA Inst. at 1 (May 21, 2018) (attached as Exhibit 2). The VA never issued an acknowledgment letter; the agency only notified CoA Institute of the tracking number assigned to its request, No. 18-04113-F, as part of the final response.

<sup>&</sup>lt;sup>5</sup> *Id.* at 1–3; see generally Exhibit 3 (responsive records at issue).

<sup>&</sup>lt;sup>6</sup> Ex. 3 at 048.

<sup>&</sup>lt;sup>7</sup> The VA never issued any fee determinations, but it did not charge CoA Institute for the processing of its request.

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#### **Argument**

# I. Exemption 3 does not allow the withholding of the records at issue.

Exemption 3 protects information that is "specifically exempted from disclosure by statute," provided that the statute either (1) requires the information "be withheld... in such a manner as to leave no discretion on the issue" or (2) "establishes particular criteria for withholding or refers to particular types of matters to be withheld." In this case, the VA has redacted significant portions of records under Exemption 3 in conjunction with 38 U.S.C. § 5705 ("Section 5705"), which provides that "[r]ecords . . . created by the [VA] as a part of a medical quality assurance program . . . are confidential and privileged and may not be disclosed[.]" Yet VA regulations designate that records may only be classified under Section 5705 if "produced by or for the VA in the process of conducting systematic healthcare reviews for the purpose of improving the quality of health care or improving the utilization of healthcare resources[.]" These quality assurance activities, in turn, must be "describe[d] in advance [and] in writing" by the "Under Secretary of Health, [a] Regional Director, or [a] facility Director." There are limited exceptions and qualifications for specific types of records. 12

The VA has failed to meet its burden of demonstrating the applicability of Section 5705. There is no evidence that the records at issue are confidential, privileged, or otherwise non-disclosable.<sup>13</sup> They instead appear to have been created by "TempTrak," a software program that merely measures temperature, humidity, and door status.<sup>14</sup> As such, the records likely contain historical data reflecting the environmental situation within areas of the Tomah VA Medical Center, including its pharmacy, between December 12–19, 2017.<sup>15</sup> It is unclear how these data, even in an aggregated report form, relate to a medical quality-assurance program, as defined by Section 5705.

The VA also has failed to indicate how these records were created or obtained as part of a properly designated systematic healthcare review. The mere fact that an agency record relates to a review, or programmatic effort to improve the utilization of healthcare resources, does not inexorably lead to its exemption under Section 5705. To sustain its application of Exemption 3, the VA should at least have indicated whether the proper written designation was obtained from a qualifying official prior to the beginning of the relevant quality assurance activity that resulted in the VA creating or obtaining the records at issue.<sup>16</sup> This was not done.

<sup>8 5</sup> U.S.C. § 552(b)(3).

<sup>9 38</sup> U.S.C. § 5705(a); Schulte & Sun-Sentinel Co. v. Dep't of Veterans Affairs, No. 86-6251, slip op. (S.D. Fla. Feb. 2, 1996)

<sup>&</sup>lt;sup>10</sup> 38 C.F.R. § 17.501(a); see Jackson v. United States, 708 F.3d 23, 32 (1st Cir. 2013) ("38 U.S.C. § 5705 and 38 C.F.R. § 17.501 together make documents produced by the VA at focused reviews confidential and privileged."); Bethel v. United States ex rel. Veterans Admin. Med. Ctr. of Denver, 242 F.R.D. 580, 584 (D. Colo. 2007) ("Extensive regulations have been promulgated to effectuate the privilege created by § 5705, and they are contained in 38 C.F.R. §§ 17.500 et seq.").

<sup>&</sup>lt;sup>11</sup> 38 C.F.R. § 17.501(b).

<sup>&</sup>lt;sup>12</sup> *Id.* § 17.501(c), (g).

<sup>&</sup>lt;sup>13</sup> Ex. 3 at 022 ("Environment of Care Committee – Temp Track Report), 027–037 ("TempTrak Sensor History").

<sup>&</sup>lt;sup>14</sup> TEMPTRAK 5.0 SOFTWARE, http://bit.ly/2vtMVog (last visited Aug. 6, 2018).

<sup>&</sup>lt;sup>15</sup> See Ex. 3 at 027–037 ("UTC Report Date: 12/15/2017...12/19/2017").

<sup>&</sup>lt;sup>16</sup> See 38 C.F.R. § 17.501(b).

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Finally, "[a] variety of documents are explicitly excluded from the confidentiality requirements" of Section 5705.<sup>17</sup> This includes "[s]tatistical information . . . that does not implicitly or explicitly identify individual VA patients or VA employees or individuals involved in the quality assurance process[.]" TempTrak records, insofar as they reflect aggregated temperature or humidity readings over a designated period of time, arguably constitute "statistical information," as that phrase is commonly understood. There is no indication that these records contain personally identifying information. Thus, they must be disclosed. <sup>20</sup>

# II. Exemption 5 does not allow the withholding of the records at issue.

Exemption 5 protects "inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency[.]" This includes records "normally privileged in the civil discovery context," including those covered by the deliberative process privilege. An agency record can only be withheld as deliberative if it is both (a) pre-decisional, that is, "antecedent to the adoption of an agency policy," and (b) deliberative, or a "direct part of . . . [a] process [of] mak[ing] recommendations or express[ing] opinions on legal or policy matters." If a record does not reflect the "give-and-take of the consultative process," its disclosure would not vitiate the purpose of the privilege, namely, to enhance the quality of agency decision-making.

Here, the VA misapplied Exemption 5 to withhold the contents of nine (9) pages of responsive records. To the extent the deliberative process privilege has been used to withhold any record in full, or to withhold large blocks of text, the VA likely failed to conduct a line-by-line review to segregate non-exempt material for release. With respect to the substance of the records at issue, the VA also has failed to provide sufficient details to establish their deliberative nature. Many of these records, particularly the VHA Issue Briefs, are bound to contain chronologies of facility temperature fluctuations, quantitative estimates of the extent of medication losses, if any, or other factual details

<sup>&</sup>lt;sup>17</sup> Hood v. Shinseki, 23 Vet. App. 295, 300 (2009).

<sup>&</sup>lt;sup>18</sup> 38 C.F.R. § 17.501(g)(1); see Shinseki, 23 Vet. App. at 300 (citing 38 C.F.R. § 17.501(g)(1)); see also Roybal v. United States, No. 13-610, 2014 WL 12597405, at \*2 (D.N.M. Apr. 3, 2014) (permitting challenge to privileging of "statistical" records). <sup>19</sup> See, e.g., Statistics, MERRIAM-WEBSTER'S DICTIONARY, available at http://bit.ly/2n4ezEG.

<sup>&</sup>lt;sup>20</sup> See, e.g., Boparai v. Shinseki, No. 09-1164, 2010 WL 4717182, at \*3–4 (E.D. Cal. Nov. 12, 2010) (ordering disclosure of aggregate statistical information that does not identify VA patients, employees, or peer reviewers).

<sup>21</sup> 5 U.S.C. § 552(b)(5).

<sup>&</sup>lt;sup>22</sup> Nat'l Labor Relations Bd. v. Sears, Roebuck & Co., 421 U.S. 132, 149 (1975); see also Dep't of the Interior v. Klamath Water Users Protective Ass'n, 532 U.S. 1, 8 (2001).

<sup>&</sup>lt;sup>23</sup> Ancient Coin Collectors Guild v. Dep't of State, 641 F.3d 504, 513 (D.C. Cir. 2011).

<sup>&</sup>lt;sup>24</sup> Coastal States Gas Corp. v. Dep't of Energy, 617 F.2d 854, 867 (D.C. Cir. 1980); see also Pub. Citizen, Inc. v. Office of Mgmt. & Budget, 598 F.3d 865, 875 (D.C. Cir. 2010) ("To the extent the documents . . . neither make recommendations for policy change nor reflect internal deliberations on the advisability of any particular course of action, they are not predecisional and deliberative[.]").

<sup>&</sup>lt;sup>25</sup> See Sears, Roebuck & Co., 421 U.S. at 151 (observing that the "ultimate purpose of this long-recognized privilege is to prevent injury to the quality of agency decisions").

<sup>&</sup>lt;sup>26</sup> Ex. 3 at 038–039, 042–043, 044, 045–047, 049.

<sup>&</sup>lt;sup>27</sup> Id. at 045–047.

<sup>&</sup>lt;sup>28</sup> See 5 U.S.C. § 552(b); Perry-Torres v. Dep't of State, 404 F. Supp. 2d 140, 144–45 (D.D.C. 2005) ("[An agency] explanation . . . should state that a line-by-line analysis . . . was conducted and that . . . no information can reasonably be segregated.").

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severable from the process of making recommendations or expressing opinions on policy matters.<sup>29</sup> Such information should be disclosed because it "do[es] not emphasize, comment upon, or characterize . . . ; [it] simply . . . pass[es] information . . . without any indication that the information should prompt further action or bear upon a decision.".<sup>30</sup> In other words, such information reflects non-deliberative factual information that will not tend to chill agency decision-making if disclosed.

# III. Exemption 6 does not allow the withholding of the records at issue.

Exemption 6 protects information about individuals in "personnel and medical files and similar files" when disclosure "would constitute a clearly unwarranted invasion of personal privacy." An agency must first determine that the information at issue is contained in a personnel, medical, or "similar" file. 32 The agency then must identify the significant privacy interest in the requested information and evaluate that interest against the public interest in disclosure. 33 Withholding is permitted only if disclosure "would constitute a clearly unwarranted invasion of personal privacy." That is a high bar to meet. Indeed, "the presumption in favor of disclosure is as strong as can be found anywhere in the [FOIA]," and *de minimis* privacy interests are insufficient to overcome the FOIA interest in disclosure. 36

In this case, the VA redacted the names and contact information of several individuals. To the extent these individuals are VA officials, employees, or contractors, their names and agency email addresses are not protected from disclosure.<sup>37</sup> The Office of Personnel Management has explained that civilian federal employees, with limited exceptions inapplicable here, do not enjoy any expectation of privacy in the non-disclosure of their names and other basic identifying information.<sup>38</sup> The operative consideration is whether the information at issue is purely "personal" or "related to job function."<sup>39</sup> Exemption 6 is properly applied only to details that do not shed light on the functions

<sup>&</sup>lt;sup>29</sup> See Pub. Citizen, Inc., 598 F.3d at 875; see also Morley v. Cent. Intelligence Agency, 508 F.3d 1108, 1127 (D.C. Cir. 2007) ("Factual material that does not reveal the deliberative process is not protected[.]" (citation omitted)).

<sup>&</sup>lt;sup>30</sup> Judicial Watch, Inc. v. Dep't of State, 241 F. Supp. 3d 174, 185 (D.D.C. 2017); Chesapeake Bay Found., Inc. v. U.S. Army Corps of Eng'rs, 722 F. Supp. 2d 66, 75 (D.D.C. 2010) ("To be privileged, the . . . document must have been a direct part of the deliberative process in that it makes recommendations or presses opinions on legal or policy matters." (cleaned up).

<sup>&</sup>lt;sup>31</sup> 5 U.S.C. § 552(b)(6); see Dep't of State v. Wash. Post Co., 456 U.S. 595, 598 (1982).

<sup>&</sup>lt;sup>32</sup> Courts have construed the term "similar files" to include most records containing information about an individual, so long as its release would "create . . . a palpable threat to privacy." *Judicial Watch, Inc. v. Food & Drug Admin.*, 449 F.3d 141, 152 (D.C. Cir. 2006) (citation omitted).

<sup>&</sup>lt;sup>33</sup> See Multi Ag Media LLC v. Dep't of Agric., 515 F.3d 1224, 1229 (D.C. Cir. 2008) ("The balancing inquiry for FOIA Exemption 6 requires that we first determine whether disclosure of the files 'would compromise a substantial, as opposed to de minimis, privacy interest,' because '[i]f no significant privacy interest is implicated . . . FOIA demands disclosure." (quoting Nat'l Ass'n of Retired Fed. Employees v. Horner, 879 F.2d 873, 874 (D.C. Cir. 1989)).

<sup>&</sup>lt;sup>34</sup> 5 U.S.C. § 552(b)(6); see Wash. Post Co., 690 F.2d at 261 ("[W]e balance competing interests to determine whether the invasion of privacy is clearly unwarranted.").

<sup>&</sup>lt;sup>35</sup> Multi Ag Media LLC, 515 F.3d at 1227 (citing Nat'l Ass'n of Home Builders v. Norton, 309 F.3d 26, 32 (D.C. Cir. 2002)); see Consumers' Checkbook Ctr. for the Study of Servs. v. Dep't of Health & Human Servs., 554 F.3d 1046, 1057 (D.C. Cir. 2009) (The FOIA "presumption favoring disclosure . . . is at its zenith under Exemption 6.").

<sup>&</sup>lt;sup>36</sup> Multi Ag Media LLC, 515 F.3d at 1229; see also Horowitz v. Peace Corp, 428 F.3d 271, 278 (D.C. Cir. 2005) (Individual privacy interests are balanced "against the public interest (namely, 'the basic purpose of the [FOIA],' which is 'to open agency action to the light of public scrutiny." (citation omitted)).

<sup>&</sup>lt;sup>37</sup> Friedman v. U.S. Secret Serv., 923 F. Supp. 2d 262, 281–83 (D.D.C. 2013).

<sup>&</sup>lt;sup>38</sup> See 5 C.F.R. § 293.311(a) (regulation specifying information in personnel files accessible by the public).

<sup>&</sup>lt;sup>39</sup> Cowdery, Ecker & Murphy, LLC v. Dep't of the Interior, 511 F. Supp. 2d 215, 219 (D. Conn. 2007).

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and operation of the government.<sup>40</sup> Examples of protected information include employees' home addresses,<sup>41</sup> home telephone numbers,<sup>42</sup> medical records,<sup>43</sup> and "core" personal information, such as marital status.<sup>44</sup> The disclosure of the individuals implicated in the records at issue, however, directly relates to the functioning of the VA, particularly with respect to the subject-matter of CoA Institute's FOIA request—namely, the adequate maintenance of medical services to veterans.<sup>45</sup> Moreover, there is no indication that disclosure would endanger the safety of any VA employee.<sup>46</sup>

For similar reasons, the public interest militates in favor of disclosing at least the names, if not email addresses, of any third-party individuals. The records at issue concern a prolonged heat surge in the Tomah VA Medical Center's outpatient pharmacy—a controversy that has attracted media attention. Disclosure of all the individuals involved with the incident would allow the press to further report on the matter and, more importantly, allow CoA Institute to evaluate the adequacy of the VA's search efforts—for example, to determine whether there are record locations that may not have been searched—or to design future FOIA requests.

Two further points concerning the agency's use of Exemption 6 bear noting. *First*, in one instance, it appears the VA has redacted the name of an individual who is regularly identified by the agency in its news releases and on social media. Publicly available sources confirm that the Tomah VA Medical Center has named Tammy Lynn Troutt, *née* Whiskin, as its "Emergency Preparedness Coordinator." Yet this individual's name has been redacted in full. \*Second\*, the VA used Exemption 6 in an especially broad manner to withhold a number of records in full\* or in large part. As with its reliance on Exemption 5, the VA's withholding of substantial portions of text suggests that it has not undertaken a careful line-by-line review to segregate non-exempt material for release. \*Second\*\*

<sup>&</sup>lt;sup>40</sup> See Lahr v. Nat'l Transp. Safety Bd., 569 F.3d 964, 973–74 (9th Cir. 2009) (Exemption 6's balancing test is undertaken in light of the extent to which disclosure "would shed light on an agency's performance of its statutory duties or otherwise let citizens know what their government is up to.").

<sup>&</sup>lt;sup>41</sup> See, e.g., Dep't of Def. v. Fed. Labor Relations Auth., 510 U.S. 487, 500 (1994) (protecting federal employees' home addresses); see also Pub. Emps. for Envtl. Resp. v. U.S. Sec. Int'l Boundary & Water Comm'n, 839 F. Supp. 2d 304, 323–24 (D.D.C. 2012).

<sup>&</sup>lt;sup>42</sup> See, e.g., Kidd v. Dep't of Justice, 362 F. Supp. 2d 291, 296–97 (D.D.C. 2005).

<sup>&</sup>lt;sup>43</sup> See, e.g., Plain Dealer Publ'g Co. v. Dep't of Labor, 471 F. Supp. 1023, 1028–30 (D.D.C. 1979).

<sup>&</sup>lt;sup>44</sup> See, e.g., Info. Acquisition Corp. v. Dep't of Justice, 444 F. Supp. 458, 463–64 (D.D.C. 1978).

<sup>&</sup>lt;sup>45</sup> See, e.g., Hunton & Williams LLP v. Envtl. Prot. Agency, 248 F. Supp. 3d 220, (D.D.C. 2017) (finding public interest in disclosure when it would identify the role played by agency employees in decision-making processes); cf. Iglesias v. Cent. Intelligence Agency, 525 F. Supp. 547, 563 (D.D.C. 1981) ("[T]here is a . . . strong[] public interest in disclosing the names of the employees and agents who worked on a [government matter.]").

<sup>&</sup>lt;sup>46</sup> See, e.g., Pinson v. Dep't of Justice, 177 F. Supp. 3d 56, 83 (D.D.C. 2016).

<sup>&</sup>lt;sup>47</sup> See Matt Kittle, Source: Tomah VA Hiding the Truth' About Overheated Medicines, MACIVER INST. (June 27, 2018), http://bit.ly/2vfX5JX; Chris Rochester, MacIver News Minute: Problems Persist at the Troubled Tomah VA Medical Center, MACIVER INST. (June 14, 2018), http://bit.ly/2OI0iKG; Matt Kittle, Records Detail Hot Medicine Mess At Tomah VA, MACIVER INST. (June 6, 2018), http://bit.ly/2LVqra6.

<sup>&</sup>lt;sup>48</sup> See Scott P. Farley, Tomah VA prepared for Ebola response, TOMAH VA MED. CTR., http://bit.ly/2vgnQxP (last visited Aug. 6, 2018); see also Tomah VA Medical Center, FACEBOOK (July 30, 2018, 10:24 AM), http://bit.ly/2n7rfe7.

<sup>&</sup>lt;sup>49</sup> Ex. 3 at 025.

<sup>50</sup> Id. at 045-047.

<sup>&</sup>lt;sup>51</sup> *Id.* at 049, 052–054.

 $<sup>^{52}</sup>$  See 5 U.S.C. § 552(b); Perry-Torres, 404 F. Supp. 2d at 144–45.

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#### IV. The VA has not meet its burden under the "foreseeable harm" standard.

The FOIA mandates that an agency may "withhold information" under the FOIA "only if [it] reasonably foresees that disclosure would harm an interest protected by an exemption[.]" Under this "foreseeable harm" standard, it is not enough that an agency make a case for the technical application of a statutory exemption; it must instead articulate *precise* reasons why *specific* records, or portions thereof, could be *reasonably foreseen* to harm an interest protected by an exemption. <sup>54</sup>

By creating the "foreseeable harm" standard, Congress sought to raise the standard by which an agency evaluates it potential withholdings. Congress did not seek merely to codify existing policies or practices. To construe the FOIA in such a way would offend traditional canons of statutory interpretation.<sup>55</sup> The unambiguous language of the "foreseeable harm" standard manifests Congress's intent to require something more of an agency when it defends its withholdings.<sup>56</sup> Before the enactment of the FOIA Improvement Act of 2016, agencies were afforded some discretion in implementing the Obama Administration's so-called "presumption of openness."<sup>57</sup> But Congress explicitly sought to "[b]uild[] on the Administration's efforts," turning the "presumption" into a "permanent requirement" that would "prohibit agencies from" technical application of exemptions.<sup>58</sup>

At least one court has recognized the impact of the new standard and the heavy burden it places on an agency. In *Ecological Rights Foundation v. Federal Emergency Management Agency*, a district court ruled that an agency could not rely on Exemption 5, in conjunction with the deliberative process privilege, because it failed to "provide basic information about the deliberative process at issue and the role played by each *specific* document[.]" That decision is instructive.

In this instance, the VA has failed to explain how it reasonably foresees that disclosure in full of the records at issue would harm its internal decision-making processes or unjustifiably invade the

<sup>54</sup> See 162 Cong. Rec. S1496 (daily ed. Mar. 15, 2016) (statement of Sen. Leahy) ("Importantly, codifying the presumption of openness will help reduce the perfunctory withholding of documents through the overuse of FOIA exemptions. It requires agencies to consider whether the release of particular documents will cause any foreseeable harm to an interest the applicable exemption is mean to protect.").

<sup>&</sup>lt;sup>53</sup> 5 U.S.C. §552(a)(8)(A)(i)(I).

<sup>&</sup>lt;sup>55</sup> To ignore the import of the "foreseeable harm" standard would be to offend the traditional canon against surplusage, which requires that "every clause and word of a statute" be given "effect." *Ibrahim v. Dep't of State*, No. 16-01330, 2018 WL 2107780, at \*3 (D.D.C. May 7, 2018) (internal quotation marks and citation omitted); *see also Corley v. United States*, 556 U.S. 303, 314 (2009) ("[O]ne of the most basic interpretive canons" is "that a statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant[.]" (internal quotation marks, brackets, and citation omitted)); *United States v. Palmer*, 854 F.3d 39, 48 (D.C. Cir. 2017).

<sup>&</sup>lt;sup>56</sup> See Mingo Logan Coal Co. v. Envtl. Prot. Agency, 714 F.3d 608, 612–14 (D.C. Cir. 2013).

<sup>&</sup>lt;sup>57</sup> See Dep't of Justice, Attorney General Memorandum for Executive Departments and Agencies Concerning the Freedom of Information Act, 74 Fed. Reg. 51,879 (Oct. 8, 2009) ("An agency should not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.").

<sup>&</sup>lt;sup>58</sup> See H.R. Rep. No. 114-391 at 9 (2016), available at http://bit.ly/2HI8EwP; see also id. at 9 ("An inquiry into whether an agency has reasonable foreseen a specific, identifiable harm . . . require[s] the ability to articulate both the nature of the harm and the link between the specific harm and specific information contained in the material withheld."); S. Rep. No. 114-4 at 8 (2016), available at http://bit.ly/2JIbV4z ("Agencies should note that mere 'speculative or abstract fears,' or fear of embarrassment, are an insufficient basis for withholding information.").

<sup>&</sup>lt;sup>59</sup> No. 16-5254, 2017 WL 5972702, at \*6 (N.D. Cal. Nov. 30, 2017) (emphasis added), appeal voluntarily dismissed, No. 17-17539 (9th Cir. Jan. 12, 2018).

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privacy of its employees or any third-party individuals. If the conclusory bases provided in the agency's determination letter are insufficient to support the *prima facie* application of Exemptions 5 and 6, as explained above, those same bases cannot possibly satisfy the heavy burden imposed by the "foreseeable harm" standard. The VA should therefore be required to articulate *specific* and *precise* reasons why disclosure would harm a relevant interest protected by the FOIA's statutory exemptions.

# V. The VA may not withhold portions of records as "non-responsive."

The VA must also reprocess those records with portions redacted as "nonresponsive." CoA Institute's FOIA request specifically requested "the entirety of the record any portion of which contains responsive information." Further, as the D.C. Circuit decided in *American Immigration Lawyers Association v. Executive Office for Immigration Review*, there is "no statutory basis for redacting ostensibly nonresponsive information from a record deemed responsive. . . . [O]nce the government concludes that a particular record is responsive to a disclosure request, the sole basis on which it may withhold particular information within that record is if the information falls within one of the statutory exemptions[.]"

The D.C. Circuit rejected the use of "non-responsive" as an effective tenth exemption because the "sole FOIA provision enabling the government to withhold responsive records is section 552(b), which sets forth the nine statutory exemptions." The FOIA "does not provide for withholding responsive but non-exempt records or for redacting nonexempt information within responsive records." When the VA "identifies a record it deems responsive to a FOIA request, the statute compels disclosure of the responsive record—*i.e.*, as a unit—except insofar as the agency may redact information falling within a statutory exemption." This approach was not taken with respect to the records at issue. The VA must review and release all nonexempt material contained in these emails.

### VI. The VA failed to conduct an adequate search for responsive records.

The VA "must conduct a search reasonably calculated to uncover all relevant documents." This search must pass "a 'reasonableness' test to determine the 'adequacy' of a search methodology, consistent with congressional intent tilting the scale in favor of disclosure." The VA is required to search where responsive records are likely to be found and it may not limit its search to exclude certain record systems, custodians, or offices if they may contain responsive records. 68

In this case, the VA's search fell short of the required reasonableness. The agency did not include attachments to emails, kinetic temperature spreadsheets discussed in the responsive email records, VA 1358 Forms, maintenance or contractor records, or fire department records. The agency

 $<sup>^{60}\</sup> Ex.\ 3$  at 001–003.

<sup>&</sup>lt;sup>61</sup> Ex. 1 at 1 n.2.

<sup>62 830</sup> F.3d 667, 670 (D.C. Cir. 2016).

<sup>&</sup>lt;sup>63</sup> *Id*.

<sup>64</sup> Id. at 678.

<sup>65</sup> Id

<sup>66</sup> Truitt v. Dep't of State, 897 F.2d 540, 542 (D.C. Cir. 1990) (internal quotation marks, alterations, and citation omitted).

<sup>&</sup>lt;sup>67</sup> Morley, 508 F.3d at 1114 (citation omitted).

<sup>&</sup>lt;sup>68</sup> Callaway v. Dep't of the Treasury, No. 08-5480, 2009 WL 10184495 at \*2 (D.C. Cir. June 2, 2009).

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U.S. Department of Veterans Affairs August 6, 2018 Page 8

also failed to locate a final, non-deliberative version of the "VHA Issue Brief" identified by Victoria Brahm, the Tomah VA Medical Center Director.<sup>69</sup> The VA should therefore conduct supplemental searches or provide additional information to establish the adequacy of its original search. To the extent the agency excluded potentially responsive records as non-agency records—for example, if it considered certain communications with the Tomah Police Department or Tomah Fire Department as outside the legal control of the VA—then it should notify CoA Institute of that determination.

#### Conclusion

For the foregoing reasons, the VA's final response to CoA Institute's February 5, 2018 FOIA request is inadequate. The agency improperly applied Exemptions 3, 5, and 6; failed to undertake reasonable efforts to segregate non-exempt material from responsive records; failed to meet its burden under the FOIA's "foreseeable harm" standard; improperly redacted portions of records as "non-responsive"; and failed to conduct an adequate search. CoA Institute respectfully requests that the Tomah VA Medical Center be directed to conduct a supplemental search and re-process the responsive records.

Thank you for your attention to this matter. If you have any questions about this appeal, or the underlying request, feel free to contact me by telephone at (202) 499-4232 or by email at ryan.mulvey@causeofaction.org.

Sincerely,

Gyan G. Mulvey
RYAN P. MULVEY

COUNSEL

<sup>-</sup>

<sup>&</sup>lt;sup>69</sup> Ex. 3 at 038 ("Made small change. [REDACTED] will send you the final so that we are on the same page.").

# EXHIBIT 1



Pursuing Freedom & Opportunity through Justice & Accountability<sup>™</sup>

February 5, 2018

#### VIA EMAIL

Shai Sims-Brown FOIA Officer Tomah VA Medical Center 500 E. Veterans St. Tomah, WI 54660 tomahfoia@va.gov

**Re:** Freedom of Information Act Request

Dear Ms. Sims-Brown:

I write on behalf of Cause of Action Institute (CoA Institute"), a nonprofit strategic oversight group committed to ensuring that government decision-making is open, honest, and fair. In carrying out its mission, CoA Institute uses various investigative and legal tools to educate the public about the importance of government transparency and accountability. To that end, we are examining recent operations at the Tomah, Wisconsin VA Medical Center, including at the pharmacy.

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, CoA Institute hereby requests access to the following records for the time period December 15, 2017 to the present:<sup>2</sup>

- All records, including but not limited to email communications and maintenance, inspection, and repair reports, relating to the climate control system at the Tomah VA Medical Center. This includes, but is not limited to, any records regarding temperature fluctuations or increases at the Tomah VA Medical Center pharmacy.
- 2. All records, including but not limited to email communications and maintenance, inspection, and repair reports, relating to disruptions in the dispensing of medication at the Tomah VA Medical Center pharmacy. This includes, but is not limited to, any records regarding temperature fluctuations on December 17, 2017 and any subsequent actions related to those fluctuations.

 $<sup>^{1} \</sup>textit{See } \textbf{Cause of Action Institute}, \textit{About}, \textbf{www.cause} of action.org/about/.$ 

<sup>&</sup>lt;sup>2</sup> For purposes of this request, the term "present" should be construed as the date on which the agency begins its search for responsive records. *See Pub. Citizen v. Dep't of State*, 276 F.3d 634 (D.C. Cir. 2002). The term "record" means the entirety of the record any portion of which contains responsive information. *See Am. Immigration Lawyers Ass'n v. Exec. Office for Immigration Review*, 830 F.3d 667, 677-78 (D.C. Cir. 2016) (admonishing agency for withholding information as "non-responsive" because "nothing in the statute suggests that the agency may parse a responsive record to redact specific information within it even if none of the statutory exemptions shields that information from disclosure").

Tomah VA Medical Center February 5, 2018 Page 2

# Request for a Public Interest Fee Waiver

CoA Institute requests a waiver of any and all applicable fees. FOIA and applicable regulations provide that the agency shall furnish requested records without or at reduced charge if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." In this case, information regarding the provision of services at a government-operated medical facility, including at its pharmacy, will directly add to the public understanding of government activities.

CoA Institute has both the intent and ability to make the results of this request available to a reasonably broad public audience through various media. Its staff has significant experience and expertise in government oversight, investigative reporting, and federal public interest litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work, and share the resulting analysis with the public, whether through the Institute's regularly published online newsletter, memoranda, reports, or press releases. In addition, as CoA Institute is a non-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code, it has no commercial interest in making this request.

# Request to Be Classified as a Representative of the News Media

For fee status purposes, CoA Institute also qualifies as a "representative of the news media" under FOIA.<sup>5</sup> As the D.C. Circuit recently held, the "representative of the news media" test is properly focused on the requestor, not the specific FOIA request at issue.<sup>6</sup> CoA Institute satisfies this test because it gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience.<sup>7</sup> Although it is not required by the statute, CoA Institute gathers the news it regularly publishes from a variety of sources, including FOIA requests, whistleblowers/insiders, and scholarly works. It does not merely make raw information available to the public, but rather distributes distinct work products, including articles, blog posts, investigative reports, newsletters, and congressional testimony and statements for the record.<sup>8</sup> These distinct works

<sup>&</sup>lt;sup>3</sup> 5 U.S.C. § 552(a)(4)(A)(iii); 38 CFR § 1.561; see also Cause of Action v. Fed. Trade Comm'n, 799 F.3d 1108, 1115-19 (D.C. Cir. 2015) (discussing proper application of public-interest fee waiver test).

<sup>&</sup>lt;sup>4</sup> See also Cause of Action, 799 F.3d at 1125-26 (holding that public interest advocacy organizations may partner with others to disseminate their work).

<sup>&</sup>lt;sup>5</sup> 5 U.S.C. § 552(a)(4)(A)(ii)(II); 38 CFR § 1.561 (b)(7).

<sup>&</sup>lt;sup>6</sup> See Cause of Action, 799 F.3d at 1121.

<sup>&</sup>lt;sup>7</sup> See Cause of Action, 799 F.3d at 1125.

<sup>&</sup>lt;sup>8</sup> See, e.g., CoA Institute, Documents Reveal Special Interest Groups Lobbied HUD for Mortgage Settlement Funds (Aug. 8, 2017), http://coainst.org/2yLaTyF; CoA Institute, The GSA Has No Records on its New Policy for Congressional Oversight Requests (July 26, 2017), http://coainst.org/2eHooVq; CoA INSTITUTE, SENSITIVE

Tomah VA Medical Center February 5, 2018 Page 3

are distributed to the public through various media, including the Institute's website, Twitter, and Facebook. CoA Institute also provides news updates to subscribers via e-mail.

The statutory definition of a "representative of the news media" contemplates that organizations such as CoA Institute, which electronically disseminate information and publications via "alternative media[,] shall be considered to be news-media entities." In light of the foregoing, numerous federal agencies have appropriately recognized the Institute's news media status in connection with its FOIA requests. <sup>10</sup>

CASE REPORTS: A HIDDEN CAUSE OF THE IRS TARGETING SCANDAL (Mar. 2017), http://coainst.org/2y0fbOH; CoA Institute, Sec. Vilsack followed ethics guidelines when negotiating his future employment, (Feb. 3, 2017), http://coainst.org/2mJljJe; COA INSTITUTE, INVESTIGATIVE REPORT: PRESIDENTIAL ACCESS TO TAXPAYER INFORMATION (Oct. 2016), http://coainst.org/2d7qTRY; James Valvo, There is No Tenth Exemption (Aug. 17, 2016), http://coainst.org/2doJhBt; COA INSTITUTE, MEMORANDUM; LEGAL ANALYSIS OF FORMER SECRETARY OF STATE HILLARY CLINTON'S USE OF A PRIVATE SERVER TO STORE EMAIL RECORDS (Aug. 24, 2015), http://coainst.org/2eXhXe1; CoA Institute, CIA too busy for transparency (Aug. 11, 2016), http://coainst.org/2mtzhhP; Hearing on Revisiting IRS Targeting: Progress of Agency Reforms and Congressional Options Before the Subcomm. on Oversight, Agency Action, Fed. Rights & Fed. Courts of the S. Comm. on the Judiciary, 114th Cong. (Aug. 5, 2015) (statement of Erica L. Marshall, Counsel, CoA Inst.), http://coainst.org/2mJC8DH; Hearing on Watchdogs Needed: Top Government Investigator Positions Left Unfilled for Years Before the S. Comm. on Homeland Sec. & Gov't Affairs, 114th Cong. (June 3, 2015) (statement of Daniel Z. Epstein, Exec. Dir., CoA Inst.), http://coainst.org/2mrwHr1; Hearing on Ongoing Oversight: Monitoring the Activities of the Justice Department's Civil, Tax and Environmental and Natural Resources Divisions and the U.S. Trustee Program Before the H. Comm. on the Judiciary, 114th Cong. (May 19, 2015) (statement of Daniel Z. Epstein, Exec. Dir., CoA Inst.), http://coainst.org/2n7LxWG; CoA INSTITUTE, 2015 GRADING THE GOVERNMENT REPORT CARD (Mar. 16, 2015), http://coainst.org/2as088a; Hearing on Potential Reforms to the Freedom of Information Act (FOIA) Before the H. Comm. on Oversight & Gov't Reform, 114th Cong. (Feb. 27, 2015) (statement of Daniel Z. Epstein, Exec. Dir., CoA Inst.), http://coainst.org/2lLsph8; Hearing on IRS: TIGTA Update Before the H. Comm. on Oversight & Gov't Reform, 114th Cong. (Feb. 26, 2015) (statement of Prashant K. Khetan, Chief Counsel, CoA Inst.), http://coainst.org/2nn5iFJ; Cause of Action Launches Online Resource: ExecutiveBranchEarmarks.com (Sept. 8, 2014), http://coainst.org/2aJ8sm5; COA INSTITUTE, GRADING THE GOVERNMENT: HOW THE WHITE HOUSE TARGETS DOCUMENTS REQUESTERS (Mar. 18, 2014), http://coainst.org/2aFWxUZ; COA INSTITUTE, GREENTECH AUTOMOTIVE: A VENTURE CAPITALIZED BY CRONYISM (Sept. 23, 2013), http://coainst.org/2apTwqP; CoA Institute, Political Profiteering: How Forest City Enterprises Makes Private Profits at the Expense of American Taxpayers Part I (Aug. 2, 2013), http://coainst.org/2aJh901; CoA Institute, Newsletters, http://causeofaction.org/media/news/newsletter/.

<sup>&</sup>lt;sup>9</sup> 5 U.S.C. § 552(a)(4)(A)(ii)(II).

 <sup>10</sup> See, e.g., FOIA Request 2016-11-008, Dep't of the Treasury (Nov. 7, 2016); FOIA Requests OS-2017-00057 & OS-2017-00060, Dep't of Interior (Oct. 31, 2016); FOIA Request 2017-00497, Office of Personnel Management (Oct. 21, 2016); FOIA Request 092320167031, Centers for Medicare & Medicaid Services (Oct. 17, 2016); FOIA Request 17-00054-F, Dep't of Educ. (Oct. 6, 2016); FOIA Request DOC-OS-2016-001753, Dept. of Commerce (Sept. 27, 2016); FOIA Request 2016-09-101, Dep't of the Treasury (Sept. 21, 2016); FOIA Request DOC-OIG-2016-001732, Dept. of Commerce OIG (Sept. 15, 2016); FOIA Request OS-2016-00435, Dep't of the Interior (Aug. 31, 2016); FOIA Request 2016-366-F, Consumer Fin. Prot. Bureau (Aug. 11, 2016); FOIA Request F-2016-09406, Dept. of State (Aug. 11, 2016); FOIA Request 2016-08-070, Dep't of the Treasury (Aug. 10, 2016); FOIA Request 2016-00896, Bureau of Land Mgmt., Dep't of the Interior (Aug. 10, 2016); FOIA Request 1355038-000, Fed. Bureau of Investigation, Dep't of Justice (Aug. 2, 2016); FOIA Request 2016-222-F,

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### **Record Preservation Requirement**

CoA Institute requests that the disclosure officer responsible for the processing of this request issue an immediate hold on all records responsive, or potentially responsive, to this request, so as to prevent their disposal until such time as a final determination has been issued on the request and any administrative remedies for appeal have been exhausted. It is unlawful for an agency to destroy or dispose of any record subject to a FOIA request.<sup>11</sup>

# **Record Production and Contact Information**

In an effort to facilitate document review, please provide the responsive documents in electronic form in lieu of a paper production. If a certain portion of responsive records can be produced more readily, CoA Institute requests that those records be produced first and the remaining records be produced on a rolling basis as circumstances permit.

If you have any questions about this request, please contact me by telephone at (202) 499-4232 or by e-mail at john.mcglothlin@causeofaction.org. Thank you for your attention to this matter.

JOAN E. MCGLOTHLIN COUNSEL

Consumer Fin. Prot. Bureau (Apr. 20, 2016); FOIA Request CFPB-2016-207-F, Consumer Fin. Prot. Bureau (Apr. 14, 2016); FOIA Request 796939, Dep't of Labor (Mar. 7, 2016).

<sup>&</sup>lt;sup>11</sup> See 38 CFR § 1.560; 36 C.F.R. § 1230.3(b) ("Unlawful or accidental destruction (also called unauthorized destruction) means . . . disposal of a record subject to a FOIA request."); Chambers v. Dep't of the Interior, 568 F.3d 998, 1004-05 (D.C. Cir. 2009) ("[A]n agency is not shielded from liability if it intentionally transfers or destroys a document after it has been requested under the FOIA or the Privacy Act."); Judicial Watch, Inc.a v. Dep't of Commerce, 34 F. Supp. 2d 28, 41-44 (D.D.C. 1998).

# EXHIBIT 2



# **DEPARTMENT OF VETERANS AFFAIRS**

VA Great Lakes Health Care System 500 E. Veterans Street Tomah, WI 54660

May 21, 2018

FOIA Request No.: 18-04113-F

John McGlothlin john.mcglothlin@causeofaction.org

#### Dear McGlothlin:

This letter is the initial agency decision to your February 5, 2018 request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted to the Tomah VA Medical Center for a copy of the following records for the time period of December 15, 2017 to the present:

- 1. All records, including but not limited to email communications and maintenance, inspection, and repair reports, relating to the climate control system at the Tomah VA Medical Center. This includes, but is not limited to, any records regarding temperature fluctuations or increases at the Tomah VA Medical Center pharmacy.
- 2. All records, including but not limited to email communications and maintenance, inspection, and repair reports, relating to disruptions in the dispensing of medication at the Tomah VA Medical Center pharmacy. This includes, but is not limited to, any records regarding temperature fluctuations on December 17, 2017 and any subsequent actions related to those fluctuations.

The Tomah VA Medical Center conducted a search for documents responsive to your request. The search was conducted by using the following key words to search in our electronic databases and to the appropriate offices: climate control, pharmacy, temperature fluctuation, temperature increase.

You will find documents pertinent to your first request on pages 1-37. Pages 38-54 are responsive to your second request.

My review of the documents revealed they contained information that falls within the disclosure protections of FOIA Exemption 3, 5 U.S.C. § 552(b)(3), FOIA Exemption 6, 5 U.S.C. § 552(b)(6) and FOIA Exemption 5, 5 U.S.C. § 552(b)(5).

My review of the documents revealed that they contained information that falls within the disclosure protections of FOIA Exemption 3, 5 U.S.C. § 552(b)(3). FOIA Exemption

3 specifically exempts from disclosure all information that is specifically prohibited from disclosure by another federal statute. The applicable statute is 38 U.S.C. § 5705 which prohibits the unauthorized disclosure of designated VA medical quality assurance records.

FOIA Exemption 6 permits VA to withhold a document or information contained within a document if disclosure of the information would constitute a clearly unwarranted invasion of a living individual's personal privacy. VA may withhold information under FOIA Exemption 6 where disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, would result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the federal government.

The coverage of FOIA Exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the individual is able to provide the requested information to members of the general public and that the information requested contributes significantly to the public's understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public's need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains. Upon consideration of the materials provided, I have not been able to identify a countervailing public interest of sufficient magnitude to outweigh the privacy interest in this case. The individuals associated with this information have a personal privacy interest in information that outweighs any public interest served by disclosure of their identities under FOIA. Consequently, I am denying your request for this information under FOIA Exemption 6, 5 U.S.C. § 552 (b)(6).

Specifically, the information I am withholding, as indicated on the enclosed documents, under FOIA Exemption 6 consists of employees and non-employee names, emails addresses, phone numbers and signature blocks; as the individuals associated with this information have a personal privacy interest in it.

FOIA Exemption 5 permits VA to withhold a document or information contained within a document as "pre-decisional" if two requirements are met. First, if there is an identifiable deliberative process. Second, the agency generated the information or document as part of the agency decision process. As a matter of Federal policy, the agency must state an articulable, foreseeable harm to the agency or its activities that could occur as a result of release of the document or information.

My review of the documents identified as responsive to your FOIA request reveals that they contain information that falls within the protection of Exemption 5. Therefore, the deliberative process privilege of Exemption 5 is invoked as it is determined that the release of the pre-decisional document to the public would negatively impact frank discussion between subordinates and supervisors. Premature release of the information contained in the documents may confuse the public, as the information contained within

the report may not be consistent with the final actions of VA. Consequently, VA denies your request for this information under FOIA Exemption 5, 5 U.S.C. § 552(b)(5).

Please note that during the investigation, it was found that the original date of police journal entry was incorrect. There, a corrected email is included and can be found on pages 23 and 24. You will also note that some items have been marked as "non-responsive". This information was comingled within responsive documents but did not pertain to your request therefore it has been redacted.

If you disagree with my determination to withhold the information under FOIA Exemptions 5 and 6 please be advised you may appeal to:

Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420
Email: ogcfoiaappeals@va.gov

If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

You may also seek assistance and/or dispute resolution services for any other aspect of your FOIA request, excluding the release determination, from VHA's FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:

Email Address:

vhafoia2@va.gov

Phone Number:

(877) 461-5038

Office of Government Information Services (OGIS)

Email: <u>ogis@nara.gov</u> Fax: (202) 741-5769

Mailing address: Office of Government Information Services

National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740-6001

If you have any questions about your request, you may contact me at (608) 372-3971 ext. 66732 or via email at TomahFOIA@va.gov.

Sincerely,

Shai Sims Brown

Privacy/FOIA Officer

# EXHIBIT 3

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From: Williams, Staci M.
To: (b) (6)

Subject: RE: 407 heating issue from the weekend Date: Tuesday, December 26, 2017 5:42:21 PM

I will most certainly follow up with you. What days/ times are good? I am off this week Thursday and Friday, but don't have any other leave scheduled.

Staci

Sent with Good (www.good.com)

From: (b) (6)

Sent: Tuesday, December 26, 2017 5:40:06 PM

To: Williams, Staci M.

Subject: RE: 407 heating issue from the weekend

I do want to touch base with you on a few issues.

n-responsive

on-responsive

non-responsive

From: Williams, Staci M.

**Sent:** Tuesday, December 26, 2017 12:21 PM

To: 🖽

Subject: RE: 407 heating issue from the weekend

Thank you,  $^{(b)}$  for the follow up!  $^{(b)}$ 

Staci

Staci M. Williams, PharmD, RPh

**Associate Director** 

Tomah VAMC

500 E. Veterans St

Tomah, WI 54660

608-372-3971 x<sup>(b) (6)</sup>

From: (b) (6)

Sent: Tuesday, December 26, 2017 12:00 PM

**To:** Williams, Staci M. (b) (6)

Subject: RE: 407 heating issue from the weekend

Just got your email. (b) (6

To answer your question in 497 pharamacy. I got the call from fire dept. they were on scene so I asked them if Air handler and air compressor were running. They said, everything was except the return fan and that it wassohot in the rooms. I logged on and started to

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see what was happening. Fire dept reset the drive and it started. I enabled the A/C to run to hurry and drop the temp. I monitoredit and manipulated a few settings all day and night. Last time I logged on was 3:00 am. All had dropped in temp and was at normal level. I was still picking up heat from some where and would check later that morning. When I came infor my shift I found we no air found the air compressor not running. Trg okouble shooting the compressor I found a contactor had burned up. I replaced it right away and by 8:00 a.m. it was working. Double checked all systems and everything ok

From: Williams, Staci M.

Sent: Thursday, December 21, 2017 2:40 PM

To

Subject: 407 heating issue from the weekend



I had to brief the VISN on the excessive heat in the outpatient pharmacy over the past weekend. I have to give an update... can you give me a briefing as to what occurred and what steps we have taken.

Thank you for the time... and thanks so much for the dedication this past weekend!

Staci

Staci M. Williams, PharmD, RPh Associate Director Tomah VAMC 500 E. Veterans St Tomah, WI 54660 608-372-3971 Case 1:19-cv-00413-CRC Document 1-3 Filed 02/19/19 Page 22 of 73

WORK ORDER # List

REQUEST

MAY 04. 2018@08:23 PAGE 3

DATE WORK PERFORMED (140 char max)

DATE

COMPLETE (or closed)

SHOP

non-responsive

LOCATION

AIR CONDITIONING DEC 15,2017@08:17A171215-001 2345B-403

WORK ORDER #

LOWERED SET PT TO 70.

DEC 15,2017

AIR CONDITIONING DEC 18,2017@08:16A171218-002 1785-407

SEE NOTES. DONE

DEC 18,2017

AIR CONDITIONING DEC 20.2017@11:22A171220-001 1453-404

REPLACED SEVERAL BAD RADIANT VALVES AND OPENED ONE THAT WAS STUCK

DEC 21,2017

AIR CONDITIONING DEC 20,2017@11:58A171220-002

1250-402

UNIT TRIPPED ON FREEZE STAT, RESET.

DEC 20,2017

AIR CONDITIONING DEC 20,2017@16:23A171220-004 1785-407

REPLACED BAD HUMIDITY SENSOR & CHECKED OPERATION

JAN 23,2018

AIR CONDITIONING DEC 20,2017@16:24A171220-005 1841-408

INSTALLED HIGH LIMIT ON AHH6 & NEW HUMIDIFIER ON AHU 2.

JAN 23,2018

AIR CONDITIONING DEC 21,2017@09:14A171221-001 103-032

TURNED ON ELECTRIC HEATER IN ROOM & CHECKED VAV OPERATION

DEC 21,2017

AIR CONDITIONING DEC 21,2017@14:53A171221-002 1709-407

DELIVERED HEATER TO (b) (6)

DEC 22,2017

AIR CONDITIONING DEC 21,2017@16:06A171221-003 ATTIC-400

SOMEONE PUT OVERRIDES IN PROGRAM SO HUMIDIFIER WOULD NOT OPERATE AT 100% CAPACITY. TOOK OVERRIDES OFF & CHECKED OPERATION.

JAN 30,2018

AIR CONDITIONING DEC 22,2017@09:37A171222-001 3201-402

ADJUSTED HEAT SETTINGS & CHECKED ROOM 2HRS LATER.

DEC 22,2017

AIR CONDITIONING DEC 23,2017@09:21A171226-002 2366-403

ADJUSTED BALANCING VALVES

JAN 18,2018

AIR CONDITIONING DEC 26,2017@09:56A171226-004 015-452

HAD TO SPEED UP EXHAUST FAN

JAN 15,2018

AIR CONDITIONING DEC 26,2017@11:06A171226-005 2444-404

CORRECTED T-STAT SETTINGS

DEC 26,2017

AIR CONDITIONING DEC 26,2017@11:41A171226-006

1096-400

ELECTRONICS WO 171226-021

JAN 4,2018

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,WORK ORDER # List

DATE

WORK ORDER #

MAY 04, 2018@08:23 PAGE 4 REQUEST

LOCATION

2034-400

WORK PERFORMED (140 char max)

DATE COMPLETE (or closed)

SHOP

AIR CONDITIONING DEC 26,2017@11:44A171226-007 2034-400

ELECTRONICS PER W0171226-021

JAN 8,2018

AIR CONDITIONING DEC 27,2017@09:00A171227-003 12307-023

LOOKED AT AC. SHUT WINDOWS BETTER SO THEY SEALED BETTER.

JAN 30,2018

AIR CONDITIONING DEC 27,2017@09:05A171227-004 1113-401

NOT GETING ENOUGH AIR.

JAN 3,2018

AIR CONDITIONING DEC 27.2017@11:25A171227-005 000-003

TURNED BOILER WATER RESET UP SO WATER TEMP WOULD GET TO 180 DEC 28,2017

AIR CONDITIONING DEC 28,2017@07:50A171228-002

ELECTRONICS PER W0171226-021

JAN 4,2018

AIR CONDITIONING DEC 28,2017@08:00A171228-003 1096-400

**ELECTRONICS REPAIR** 

JAN 4,2018

AIR CONDITIONING DEC 28,2017@08:35A171228-006 1812-408

REPLACED THERMOSTAT. ALSO RETURN LINE TO HEATER WAS TURNED OFF.

DEC 28,2017

AIR CONDITIONING DEC 28,2017@10:22A171228-008 3441-404

ADJUSTED THERMOSTAT

DEC 28,2017

AIR CONDITIONING DEC 28,2017@10:35A171228-009 2430-404

REPLACED JOHNSON VALVE. ADJUSTED THERMOSTAT.

DEC 28,2017

AIR CONDITIONING DEC 28,2017@10:35A171228-010 2431-404

REPLACED JOHNSON VALVE. ADJUSTED THERMOSTAT.

DEC 28,2017

AIR CONDITIONING DEC 28.2017@13:19A171228-012 3817-408

INSTALLED NEW T-STAT. JC VALVE STUCK CLOSED. INSTALLED UNIONS & NEW JCV.

JAN 2,2018

AIR CONDITIONING DEC 29,2017 PM-A1801M-001 007-032

MONTHLY PMI

JAN 11.2018

AIR CONDITIONING DEC 29,2017 PM-A1801M-002 4052-400

MONTHLY PMI NEGATIVE AIR PRESSURE

JAN 26,2018

AIR CONDITIONING DEC 29,2017 PM-A1801M-003 4054-400

MONTHLY PMI NEGATIVE AIR PRESSURE

JAN 26,2018

AIR CONDITIONING DEC 29,2017 PM-A1801M-004 ATTIC-400

QUARTERLY PMI EXHAUST FAN/ATTIC

JAN 31,2018

AIR CONDITIONING DEC 29,2017 PM-A1801M-005 ATTIC-400

QUARTERLY PMI EXHAUST FAN/ATTIC

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MAY 04, 2018@08:23

PAGE 5

SHOP DATE WORK PERFORMED (140 char max) DATE

WORK ORDER # List

COMPLETE (or closed) WORK ORDER # LOCATION

REQUEST

DEC 29,2017 PM-A1801M-006 PAD-400 AIR CONDITIONING MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 DEC 29,2017 PM-A1801M-007 1182-401 AIR CONDITIONING MONTHLY PMI JAN 31,2018 PM-A1801M-008 1184-401 DEC 29,2017 AIR CONDITIONING MONTHLY PMI FEB 7,2018

ATTIC-401 AIR CONDITIONING DEC 29,2017 PM-A1801M-009 MONTHLY PMI

FEB 7,2018 DEC 29.2017 PM-A1801M-010 ATTIC-401 AIR CONDITIONING MONTHLY PMI JAN 31,2018

AIR CONDITIONING DEC 29,2017 PM-A1801M-011 ATTIC-401 MONTHLY PMI JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-012 ATTIC-401 MONTHLY PMI JAN 31,2018

DEC 29,2017 PM-A1801M-013 ATTIC-401 AIR CONDITIONING MONTHLY PMI JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-014 ATTIC-401 MONTHLY PMI

JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-015 ATTIC-401 MONTHLY PMI JAN 31,2018

AIR CONDITIONING DEC 29,2017 PM-A1801M-016 ATTIC-401 MONTHLY PMI JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-017 ATTIC-401

MONTHLY PMI JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-018 ATTIC-401

MONTHLY PMI JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-019 BSMT-401 MONTHLY PMI COMPRESSOR/CHILLER UNIT JAN 31.2018

ATTIC-402 AIR CONDITIONING DEC 29,2017 PM-A1801M-020 QUARTERLY PMI EXHAUST FAN

JAN 31,2018 ATTIC-402 AIR CONDITIONING DEC 29,2017 PM-A1801M-021 QUARTERLY PMI EXHAUST FAN

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AIR CONDITIONING QUARTERLY PMI EXHAUST FAN ATTIC-402 AIR CONDITIONING DEC 29.2017 PM-A1801M-023 QUARTERLY PMI EXHAUST FAN JAN 31,2018 DEC 29,2017 PM-A1801M-024 ATTIC-402 AIR CONDITIONING QUARTERLY PMI EXHAUST FAN JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-025 ATTIC-402 QUARTERLY PMI EXHAUST FAN JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-026 ATTIC-402 QUARTERLY PMI EXHAUST FAN JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-027 ATTIC-402 QUARTERLY PMI EXHAUST FAN JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-028 ATTIC-402 QUARTERLY PMI RELIEF FAN JAN 31.2018 DEC 29,2017 PM-A1801M-029 AIR CONDITIONING ATTIC-402 QUARTERLY PMI RELIEF FAN JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-030 ATTIC-402 QUARTERLY PMI RELIEF FAN JAN 31,2018 DEC 29,2017 PM-A1801M-031 ATTIC-402 AIR CONDITIONING QUARTERLY PMI RELIEF FAN JAN 31,2018 DEC 29,2017 PM-A1801M-032 ATTIC-402 AIR CONDITIONING QUARTERLY PMI RELIEF FAN JAN 31,2018 DEC 29,2017 PM-A1801M-033 ATTIC-402 AIR CONDITIONING MONTHLY PMI JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-034 BSMT-402 MONTHLY PMI AIR COMPRESSOR JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-035 BSMT-404 MONTHLY PMI AIR COMPRESSOR JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-036 BSMT-404 MONTHLY PMI HEAT EXCHANGER JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-037 ATTIC-406 MONTHLY PMI AIR HANDLING UNIT

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AIR CONDITIONING MONTHLY PMI AIR COMPRI		PM-A1801M-038	BSMT-406
JAN 31,2018 AIR CONDITIONING QUARTERLY PMI EXHAUST		PM-A1801M-039	ATTIC-407
JAN 31,2018 AIR CONDITIONING		PM-A1801M-040	1884-408
QUARTERLY PMI HEAT PU JAN 31,2018	MP		
AIR CONDITIONING QUARTERLY PMI HEAT PU FEB 7,2018		PM-A1801M-041	1884-408
AIR CONDITIONING QUARTERLY PMI EXHAUST JAN 31,2018	DEC 29,2017 FAN/ATTIC	PM-A1801M-042	ATTIC-408
AIR CONDITIONING QUARTERLY PMI EXHAUST		PM-A1801M-043	ATTIC-408
JAN 31,2018 AIR CONDITIONING MONTHLY PMI AIR COMPR		PM-A1801M-044	BSMT-408
JAN 31,2018 AIR CONDITIONING		PM-A1801M-045	BSMT-408
QUARTERLY PMI SUPPLY JAN 31,2018		DV 44004W 046	11050 410
AIR CONDITIONING ANNUAL PMI			
JAN 31,2018 AIR CONDITIONING MONTHLY PMI AIR COMPR	DEC 29,2017 ESSOR	PM-A1801M-047	BSMT-416
JAN 31,2018 AIR CONDITIONING	•	PM-A1801M-048	PAD-424
MONTHLY PMI AIR HANDL JAN 31,2018 AIR CONDITIONING		DM_	DFNT-121
MONTHLY PMI AIR COMPR JAN 31.2018	ESSOR		
AIR CONDITIONING MONTHLY PMI AIR COMPR		PM-A1801M-050	013-425
JAN 31,2018 AIR CONDITIONING QUARTERLY PMI EXHAUST		PM-A1801M-051	008A-452
JAN 31,2018 AIR CONDITIONING		PM-A1801M-052	ATTIC-455
MONTHLY PMI AIR HANDL FEB 7,2018	ING UNIT		
AIR CONDITIONING	DEC 29,2017	PM-A1801M-053	ATTIC-400

MONTHLY PMI AIR HANDLING UNIT

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(or crosed)		
AIR CONDITIONING DEC 29,2017	PM-A1801M-054	1713-407
MONTHLY PMI AIR HANDLING UNIT	111 7(20021) 001	1710 107
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-055	1722-407
MONTHLY PMI AIR HANDLING UNIT	777 71200211 000	2722 107
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-056	3711-407
MONTHLY PMI AIR HANDLING UNIT	111 112002 000	0,11
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-057	3780-407
MONTHLY PMI AIR HANDLING UNIT	711 71200211 001	
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-058	101-416
MONTHLY PMI AIR HANDLING UNIT		
JAN 31.2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-059	101-416
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-060	PENT-424
MONTHLY PMI AIR HANDLING UNIT		
JAN 31.2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-061	008A-452
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-062	1031-400
MONTHLY PMI AIR HANDLING UNIT	*	
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-063	2013-400
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-064	2082A-400
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-065	2082A-400
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-066	PENT-400
MONTHLY PMI AHU SEMIANNUAL		
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-067	PENT-400
MONTHLY PMI AIR HANDLING UNIT		
JAN 11,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-068	PENT-400
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-069	ROOF-400
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018		

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AIR CONDITIONING

JAN 11,2018

MONTHLY PMI AIR HANDLING UNIT

.....

ROOF-400 AIR CONDITIONING DEC 29,2017 PM-A1801M-070 MONTHLY PMI AIR HANDLING UNIT JAN 31.2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-071 ATTIC-406 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-072 ATTIC-406 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-073 ATTIC-406 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-074 ATTIC-406 MONTHLY PMI AIR HANDLING UNIT FEB 7,2018 DEC 29,2017 PM-A1801M-075 AIR CONDITIONING ATTIC-406 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 DEC 29,2017 PM-A1801M-076 AIR CONDITIONING ATTIC-406 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-077 1842-408 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-078 ATTIC-408 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-079 ATTIC-408 MONTHLY PMI AIR HANDLING UNIT JAN 31.2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-080 ATTIC-408 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-081 ATTIC-408 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-082 ATTIC-408 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-083 ATTIC-408 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-084 007-032 MONTHLY PMI AIR HANDLING UNIT FEB 7,2018

DEC 29.2017 PM-A1801M-085

110-032

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(or closed) 110-036 AIR CONDITIONING DEC 29,2017 PM-A1801M-086 MONTHLY PMI AIR HANDLING UNIT JAN 11.2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-087 102-040 MONTHLY PMI AIR HANDLING UNIT JAN 11,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-088 ATTIC-401 MONTHLY PMI AIR HANDLING UNIT JAN 11,2018 ATTIC-401 AIR CONDITIONING DEC 29,2017 PM-A1801M-089 MONTHLY PMI AIR HANDLING UNIT JAN 25,2018 DEC 29,2017 PM-A1801M-090 ATTIC-401 AIR CONDITIONING MONTHLY PMI AIR HANDLING UNIT JAN 25,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-091 ATTIC-401 MONTHLY PMI AIR HANDLING UNIT JAN 25,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-092 ATTIC-401 MONTHLY PMI AIR HANDLING UNIT JAN 25,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-093 ATTIC-401 MONTHLY PMI AIR HANDLING UNIT JAN 26,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-094 1231-402 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-095 402M5-402 MONTHLY PMI AIR HANDLING UNIT JAN 31.2018 DEC 29,2017 PM-A1801M-096 ATTIC-402 AIR CONDITIONING MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 DEC 29,2017 PM-A1801M-097 ATTIC-402 AIR CONDITIONING MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 DEC 29,2017 PM-A1801M-098 ATTIC-402 AIR CONDITIONING MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29.2017 PM-A1801M-099 ATTIC-402 MONTHLY PMI AIR HANDLING UNIT JAN 31,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-100 ATTIC-402 MONTHLY PMI AIR HANDLING UNIT FEB 7,2018 AIR CONDITIONING DEC 29,2017 PM-A1801M-101 ATTIC-402 MONTHLY PMI AIR HANDLING UNIT

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AIR CONDITIONING DEC 29,2017	PM-A1801M-102	ATTIC-402
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-103	ATTIC-403
MONTHLY PMI AIR HANDLING UNIT		
FEB 7,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-104	ATTIC-403
MONTHLY PMI AIR HANDLING UNIT		******
FEB 7,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-105	ATTIC-403
MONTHLY PMI AIR HANDLING UNIT	111 71200211 200	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	PM-A1801M-106	ATTIC-403
MONTHLY PMI AIR HANDLING UNIT	111 /1100111 100	711710 100
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	DM_ A1901M_107	ATTIC - 403
MONTHLY PMI AIR HANDLING UNIT	LII-VIOOIII-IO)	A1110-403
FEB 7.2018		
AIR CONDITIONING DEC 29,2017	DM A1001M 100	1442 404
MONTHLY PMI AIR HANDLING UNIT	LII-VIONIII-IOO	1442-404
JAN 31,2018		
AIR CONDITIONING DEC 29,2017	DM A1001M 100	ATTIC 404
MONTHLY PMI AIR HANDLING UNIT	LIL-WIONIN-INA	A111C-404
FEB 7.2018		
	DM A1001M 110	ATTIC ADA
AIR CONDITIONING DEC 29,2017	LM-WIONIM-IIN	A111C-404
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018 AIR CONDITIONING DEC 29,2017	DV 41001W 111	ATTIC ADA
	bM-WIRATH-III	A111C-404
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018	DU 41001H 110	47770 404
AIR CONDITIONING DEC 29,2017	PM-A1801M-112	A111C-404
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018 AIR CONDITIONING DEC 29,2017	DU 44004W 440	47770 404
	PM-A1801M-113	ATT1C-404
MONTHLY PMI AIR HANDLING UNIT		
JAN 31,2018		
AIR CONDITIONING DEC 29,20170	08:24A171229-002	ATT1C-402
HTG VALVE NOT OPERATING.		
DEC 29,2017		
AIR CONDITIONING DEC 29,20176	09:50A171229-003	103-036
REPAIRED		
DEC 29,2017		
AIR CONDITIONING DEC 29,2017	P10:53A171229-004	1200-402
HTG VALVE & AHU NOT SEATING CLOSED		
JAN 2,2018		
AIR CONDITIONING DEC 29,2017	13:23A171229-005	3208-402
W0171229-013 COMPLETED		
DEC 29,2017		

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AIR CONDITIONING DEC 29.2017@14:55A171229-006 3201-402

W0171229-013 COMPLETED

DEC 29,2017

1445-404 AIR CONDITIONING JAN 2,2018@08:22A180102-003

SET T/STAT SO THERS A 5 DIFFERENTS BETWEEN HEAT & COOL.

JAN 5,2018

JAN 2.2018@08:30A180102-006 2393-403 AIR CONDITIONING

TURNED ROOM TEMP SET POINTS UP & ALSO INCREASED AIR FLOW INTO AREA. CHECKED VAV OPERATIONS

JAN 4,2018

2392 - 403 JAN 2,2018@08:31A180102-007 AIR CONDITIONING

DONE ON W0180102-012

JAN 8,2018

AIR CONDITIONING JAN 2,2018@08:51A180102-008

2059-400

(b) (6) HAS PARTS ORDERED FOR THIS

JAN 3,2018

AIR CONDITIONING JAN 2,2018@08:57A180102-012 2258 - 402

STOPPED AND TALKED TO VETERAN & (D) SAID ROOM WAS FINE NOW.

JAN 4,2018

AIR CONDITIONING

JAN 2,2018@09:02A180102-009

1100-401

DONE JAN 18,2018

AIR CONDITIONING

JAN 2.2018@10:45A180102-014 1013-400

T/STAT TURNED OFF FOR RADIANT HEATER TURNED ON & CHECKED OPERATION.

JAN 4,2018

JAN 2,2018@13:20A180102-015 AIR CONDITIONING

2451-404

REPLACED JOHNSON VALVE. THERMOSTAT IN NEXT ROOM

JAN 8,2018

JAN 3,2018@08:25A180103-002 001-003 AIR CONDITIONING

CHECKED FOR GAS WITH FIRE DEPT. NO LEAKS. TENNANT WAS NOT HOME.

JAN 3,2018

AIR CONDITIONING JAN 3,2018@10:02A180103-005 12348-023

REMOVED AC FROM WINDOW

JAN 31.2018

1250-402 AIR CONDITIONING JAN 4,2018@09:13A180104-003

AIR HANDLER GOOD. THE WINDOWS IN THIS AREA ARE VERY POOR TO MUCH AIR LEAKAGE, THEY HAVE A LOT OF FROST ON INSIDE OF THEM. AHU IS DOI

JAN 9,2018

JAN 4,2018@09:16A180104-002 BSMT-003 AIR CONDITIONING

INSTALLED NEW COMBUSTION FAN ON WEIL-MCCLAIR BOILER

JAN 30,2018

AIR CONDITIONING JAN 4.2018@13:29A180104-004

1096-400

CAN NOT CONTROL.

JAN 4,2018

AIR CONDITIONING JAN 4.2018@13:32A180104-005 1009-400

DONE ON W0180104-023

JAN 8,2018

AIR CONDITIONING JAN 4,2018@13:32A180104-006 1028-400

DONE ON W0180104-023

JAN 8,2018

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2034-400 JAN 4,2018@13:34A180104-007

AIR CONDITIONING DONE

JAN 4,2018

AIR CONDITIONING JAN 4,2018@13:35A180104-008 2005-400

COMPLETED ON W0180104-026

JAN 8,2018

1915-409 JAN 5,2018@09:06A180105-001 AIR CONDITIONING

TURNED IN FLOOR HEAT SLAB TEMP UP FROM 75 TO 85. TURNED HEAT PUMP STATS FROM AUTO TO HEAT SO THEY DONT BLOW COLD AIR.

JAN 5,2018

AIR CONDITIONING JAN 5,2018@13:02A180105-002 3465-404

SET T/STAT SO COOLING WAS 5 ABOVE HEAT & HEATERS STARTED WORKING.

JAN 5,2018

JAN 8,2018@10:29A180108-001 AIR CONDITIONING

4035A-400

DID DOWN LOAD CONFIGERATION ON VAV.

JAN 9,2018

JAN 9,2018@09:15A180109-001 AIR CONDITIONING

BSMT-401

REPAIRED STEAM TRAP & STRAINER & ADDED VALVES

JAN 10,2018

AIR CONDITIONING JAN 10,2018@10:09A180110-001 3500-405

DONE JAN 10,2018

JAN 12,2018@10:07A180112-004 11022-410 AIR CONDITIONING

REPLACED

JAN 12,2018

JAN 12,2018@10:15A180112-005 3840C-408 AIR CONDITIONING

RE-INSTALLED T-STAT BACK ONTO SUBBASE

JAN 12,2018

2345A-403 AIR CONDITIONING JAN 12,2018@15:48A180112-007

LOWERED SET PT

JAN 12.2018

AIR CONDITIONING JAN 15,2018@06:58A180116-002 3506-405

SEE NOTES

FEB 13,2018

015-452 AIR CONDITIONING JAN 16,2018@07:07A180116-001

RE-TAPED & SCREWED PIPE ON TO BLOWER.

JAN 16,2018

AIR CONDITIONING JAN 16,2018@12:24A180116-003

1080A-400

ADJUSTED TEMP

JAN 17,2018

AIR CONDITIONING JAN 16,2018@13:24A180116-004 1347-403

RESET VAV

JAN 17,2018

JAN 16,2018@13:44A180116-005 2240-402 AIR CONDITIONING

DONE

JAN 17,2018

JAN 17.2018@13:09A180117-002 AIR CONDITIONING

1064A-400

RESET TEMP SET PTS.

JAN 17,2018

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JAN 18,2018@08:17A180118-001 010-452 AIR CONDITIONING TRYED TO REPAIR WITH (D) (6) BUT NOW IS WITH PROJECTS TO LOOK AT.

JAN 23.2018

AIR CONDITIONING JAN 18,2018@15:00A180118-002 2435-404

INSTALLED NEW T/STAT

JAN 18,2018

2437-404 AIR CONDITIONING JAN 19,2018@11:15A180119-001 ADJUSTED T/STAT TEMP UP & CHECKED OPERATION OF HEATERS.

JAN 19,2018

AIR CONDITIONING JAN 22,2018@06:54A180122-001 11047-410

LOCATION

RAISED SLAB TEMP UP FROM 75 TO 80.

JAN 22,2018

JAN 22,2018@09:33A180122-002 2462-404 AIR CONDITIONING

WATER NOISE - OPENED CIRCUIT SETTER UP TO ELIMINATE NOISE.

JAN 23,2018

JAN 22.2018@09:36A180122-003 2437-404 AIR CONDITIONING

I HAD WORKED ON THIS ROOM 1/19/18. 1/22/18 THIS ROOM IS AT 75. T/STAT SET TO 75

WORK ORDER #

JAN 22,2018

JAN 23,2018@08:21A180123-001 11044-410 AIR CONDITIONING ADJUSTED

JAN 23,2018

11047-410 AIR CONDITIONING JAN 23,2018@08:24A180123-002

ADJUSTED

JAN 23,2018

AIR CONDITIONING JAN 23,2018@12:57A180123-003 11034-410

TURNED SLAB TEMP UP IN THIS ROOM

JAN 23,2018

AIR CONDITIONING JAN 25.2018@12:06A180125-001 1080A-400

ADJUSTED SET POINT

JAN 25,2018

2307-403 AIR CONDITIONING JAN 25,2018@14:03A180125-002

ALL AT SET PTS

JAN 26,2018

JAN 25.2018@15:54A180125-003 2755-407 AIR CONDITIONING

SEWER SMELL-FILLED TRAPS INITATED HEAT SYSTEM.

JAN 26,2018

4026-400 AIR CONDITIONING JAN 26,2018@06:11A180126-001

SEE NOTES JAN 26,2018

AIR CONDITIONING

ADJUSTED THERMOSTAT.

JAN 30,2018

2427-404

010-452

JAN 29,2018@14:23A180129-002 AIR CONDITIONING AIR HANDLER WAS OFF TO REPAIR STEAM LEAK.

JAN 29,2018

AIR CONDITIONING JAN 29,2018@14:26A180129-003

2034-400

ROOM IS CONTROLLED OFF OF T/STAT FOR HALLWAY BY THIS ROOM. NOT MUCH CAN BE DONE.

JAN 29,2018@09:28A180129-001

JAN 30.2018

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3817-408

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AIR CONDITIONING ADJUSTED TEMP	JAN 29,2018@14:31A180129-004	11034-410
JAN 31,2018 AIR CONDITIONING DONE FEB 2,2018	JAN 30,2018@08:25A180130-001	1905-409

JAN 30,2018 AIR CONDITIONING JAN 31,2018@09:55A180131-001 2240-402 DONE

JAN 30,2018@08:44A180130-002

FEB 1,2018 AIR CONDITIONING JAN 31,2018@14:37A180131-002 3217-402 RAISED TEMP

FEB 1,2018 AIR CONDITIONING JAN 31,2018@14:37A180131-003 3233-402 LOWERED TEMP

FEB 1,2018 AIR CONDITIONING JAN 31,2018@16:15A180201-001 1250-402

COMPLETED ON W0171127-013 FEB 14,2018

AIR CONDITIONING

DONE

AIR CONDITIONING 007-032 FEB 1,2018 PM-A1802M-001 MONTHLY PMI FEB 28,2018

AIR CONDITIONING FEB 1,2018 PM-A1802M-002 4052-400

MONTHLY PMI NEGATIVE AIR PRESSURE

FEB 28,2018 AIR CONDITIONING 4054-400 FEB 1,2018 PM-A1802M-003

MONTHLY PMI NEGATIVE AIR PRESSURE FEB 28,2018

FEB 1,2018 AIR CONDITIONING PM-A1802M-004 PAD-400

MONTHLY PMI AIR HANDLING UNIT FEB 28,2018

FEB 28,2018

AIR CONDITIONING FEB 1,2018 PM-A1802M-005 **PENT-400** QUARTERLY PMI CONDENSER UNIT FEB 28,2018

1182-401 AIR CONDITIONING FEB 1,2018 PM-A1802M-006 MONTHLY PMI

FEB 28,2018 AIR CONDITIONING FEB 1,2018 PM-A1802M-007 1184-401 MONTHLY PMI

FEB 28,2018 ATTIC-401 AIR CONDITIONING FEB 1,2018 PM-A1802M-008 MONTHLY PMI

FEB 28,2018 AIR CONDITIONING FEB 1,2018 PM-A1802M-009 ATTIC-401 MONTHLY PMI

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			••••••
AIR CONDITIONING	FEB 1,2018	PM-A1802M-010	ATTIC-401
MONTHLY PMI	1 LD 1,2010	L11-VI00511-010	VIII0-401
FEB 28,2018			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-011	ATTIC-401
MONTHLY PMI	120 1,2010	111 /1200E11 011	//// 1V2
FEB 28,2018			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-012	ATTIC-401
MONTHLY PMI	,		
FEB 28,2018			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-013	ATTIC-401
MONTHLY PMI			
FEB 28,2018			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-014	ATTIC-401
MONTHLY PMI			
FEB 28,2018			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-015	ATTIC-401
MONTHLY PMI			
FEB 28,2018			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-016	ATTIC-401
MONTHLY PMI			
FEB 28,2018	=== 4 0040	DI 44000H 047	17770 404
AIR CONDITIONING	FEB 1,2018	PM-A1802M-017	ATTIC-401
MONTHLY PMI			
FEB 28,2018	FED 1 2010	DM 41000M 010	DONT 401
AIR CONDITIONING MONTHLY PMI COMPRESSOR	FEB 1,2018	PM-A1802M-018	BSMT-401
FEB 28,2018	COLLEGE ONL		
AIR CONDITIONING	FEB 1,2018	PM-A1802M-019	ATTIC-402
MONTHLY PMI	110 1,2010	111-V100511-013	X1110-402
FEB 28,2018			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-020	BSMT-402
MONTHLY PMI AIR COMPRE		111 7(100211 020	
FEB 28,2018			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-021	BSMT-404
MONTHLY PMI AIR COMPRE			
FEB 9,2018			
	FEB 1,2018	PM-A1802M-022	BSMT-404
QUARTERLY PMI EXHAUST			
FEB 9,2018			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-023	BSMT-404
MONTHLY PMI HEAT EXCHA	NGER		
FEB 9,2018			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-024	ATTIC-406
MONTHLY PMI AIR HANDLI	NG UNIT		
FEB 9,2018			

BSMT-406

AIR CONDITIONING

FEB 9,2018

MONTHLY PMI AIR COMPRESSOR

FEB 1,2018 PM-A1802M-025

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WORK ORDER # List 017 MAY 04, 2018@08:23

REQUEST

AIR CONDITIONING

FEB 28,2018

MONTHLY PMI AIR HANDLING UNIT

FEB 1,2018

PM-A1802M-041

1713-407

WORK ORDER # LOCATION SHOP DATE WORK PERFORMED (140 char max) DATE COMPLETE (or closed) BSMT-408 AIR CONDITIONING FEB 1,2018 PM-A1802M-026 MONTHLY PMI AIR COMPRESSOR FEB 9,2018 FEB 1,2018 BSMT-408 AIR CONDITIONING PM-A1802M-027 QUARTERLY PMI CONDENSER UNIT FEB 9,2018 PM-A1802M-028 ATTIC-409 AIR CONDITIONING FEB 1,2018 QUARTERLY PMI EXHAUST FAN FEB 9,2018 AIR CONDITIONING FEB 1,2018 PM-A1802M-029 ATTIC-410 QUARTERLY PMI EXHAUST FAN FEB 9,2018 AIR CONDITIONING FEB 1.2018 PM-A1802M-030 ROOF-410 QUARTERLY PMI EXHAUST FAN FEB 9,2018 AIR CONDITIONING FEB 1,2018 PM-A1802M-031 BSMT-416 MONTHLY PMI AIR COMPRESSOR FEB 23,2018 AIR CONDITIONING PM-A1802M-032 PAD-424 FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT FEB 23,2018 FEB 1,2018 PM-A1802M-033 **PENT-424** AIR CONDITIONING MONTHLY PMI AIR COMPRESSOR FEB 23,2018 **PENT-424** AIR CONDITIONING FEB 1,2018 PM-A1802M-034 ANNUAL PMI SUPPLY FAN FEB 23,2018 AIR CONDITIONING FEB 1,2018 PM-A1802M-035 **PENT-424** ANNUAL PMI SUPPLY FAN FEB 23,2018 AIR CONDITIONING FEB 1,2018 PM-A1802M-036 **PENT-424** ANNUAL PMI EXHAUST FAN FEB 23,2018 AIR CONDITIONING FEB 1,2018 PM-A1802M-037 013-425 MONTHLY PMI AIR COMPRESSOR FEB 28,2018 AIR CONDITIONING FEB 1,2018 PM-A1802M-038 ATTIC-455 MONTHLY PMI AIR HANDLING UNIT FEB 28,2018 AIR CONDITIONING FEB 1,2018 PM-A1802M-039 137-WR1 ANNUAL PMI EXHAUST FAN FEB 28.2018 ATTIC-400 AIR CONDITIONING FEB 1,2018 PM-A1802M-040 MONTHLY PMI AIR HANDLING UNIT FEB 28,2018

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, WORK ORDER # List 018 MAY 04, 2018@08:23 PAGE 18

REQUEST
SHOP DATE WORK ORDER # LOCATION
WORK PERFORMED (140 char max)

DATE
COMPLETE

FEB 28,2018

(or closed)		
AIR CONDITIONING FEB 1,2018		
MONTHLY PMI AIR HANDLING UNIT FFB 28.2018		
AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT	PM-A1802M-044	3780-407
FEB 28,2018 AIR CONDITIONING FEB 1,2018	PM-A1802M-045	101-416
MONTHLY PMI AIR HANDLING UNIT FEB 28,2018	DW 41000W 046	101 416
AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT FEB 28.2018	PM-A1802M-046	101-416
AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT FEB 28,2018	PM-A1802M-047	PENT-424
AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT FEB 28,2018	PM-A1802M-048	008A-452
AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT	PM-A1802M-049	1031-400
FEB 28,2018 AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT	PM-A1802M-050	2013-400
FEB 28,2018 AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT	PM-A1802M-051	2082A-400
FEB 28,2018 AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT	PM-A1802M-052	2082A-400
FEB 28,2018 AIR CONDITIONING FEB 1,2018 MONTHLY PMI AHU SEMIANNUAL	PM-A1802M-053	PENT-400
FEB 28,2018 AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT	PM-A1802M-054	PENT-400
FEB 28,2018 AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT	PM-A1802M-055	PENT-400
FEB 28,2018 AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT	PM-A1802M-056	R00F-400
FEB 28,2018 AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT	PM-A1802M-057	R00F-400
FEB 28,2018 AIR CONDITIONING FEB 1,2018 MONTHLY PMI AIR HANDLING UNIT	PM-A1802M-058	ATTIC-406

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, WORK ORDER # List

REQUEST

SHOP

DATE

WORK ORDER # LOCATION

WORK PERFORMED (140 char max)

DATE COMPLETE (or closed)

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AIR CONDITIONING FEB 1	2010	DM A1902M 050	ATTIC-406					
MONTHLY PMI AIR HANDLING UNI	,2010 T	LII-WT007III-023	A1110-400					
FEB 28,2018	'							
AIR CONDITIONING FEB 1	2010	PM-A1802M-060	ATTIC-406					
		LIL-VIOUSIL-000	ATTICATOO					
MONTHLY PMI AIR HANDLING UNIT FEB 28.2018								
AIR CONDITIONING FEB 1	2010	PM-A1802M-061	ATTTC-406					
MONTHLY PMI AIR HANDLING UNI		LIL-WIONSIL-AOI	A111C-400					
	1							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	PM-A1802M-062	ATTTC-406					
MONTHLY PMI AIR HANDLING UNI	,2010	LI-WTO051-005	A111C-400					
	•							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	PM-A1802M-063	ATTIC-406					
		PH-ATOUZH-003	A111C-400					
MONTHLY PMI AIR HANDLING UNI	ı							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	PM-A1802M-064	1842-408					
		PM-W1007M-004	1042-400					
MONTHLY PMI AIR HANDLING UNI	ı							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	PM-A1802M-065	ATTIC 400					
MONTHLY PMI AIR HANDLING UNI	,2010	PH-A1007H-000	A111C-400					
	ı							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	PM-A1802M-066	ATTIC 400					
		HIL-MIONSIN-000	A111C-400					
MONTHLY PMI AIR HANDLING UNI	1							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	DM A1002M 067	ATTIC AND					
MONTHLY PMI AIR HANDLING UNI		PIN-ATONSIN-001	A111C-400					
FEB 28.2018	ı							
AIR CONDITIONING FEB 1	2010	DM 41000M 060	ATTIC 400					
		PM-A1802M-068	A111C-400					
MONTHLY PMI AIR HANDLING UNI	1							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	PM-A1802M-069	ATTIC AND					
AIR CUMULITUMING FED I	,ZU10	LM-MTONSM-003	A111C-400					
MONTHLY PMI AIR HANDLING UNI	1							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	PM-A1802M-070	ATTIC 400					
		PM-MIOUZM-U/U	A111C-400					
MONTHLY PMI AIR HANDLING UNI	ı							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	PM-A1802M-071	007-032					
		PM-A1002M-0/1	007-032					
MONTHLY PMI AIR HANDLING UNI	ı							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	PM-A1802M-072	110-032					
MONTHLY PMI AIR HANDLING UNI	,2018	PM-A1002M-072	110-032					
	ı							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	DM 41000M 072	110-036					
		PM-A1802M-073	110-036					
MONTHLY PMI AIR HANDLING UNI	ı							
FEB 28,2018 AIR CONDITIONING FEB 1	2010	PM-A1802M-074	102-040					
		LIJ.WTONSIJ.A/4	102-040					
MONTHLY PMI AIR HANDLING UNI								
FEB 28,2018								

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WORK ORDER # List

O20

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REQUEST

SHOP DATE WORK ORDER # LOCATION

WORK PERFORMED (140 char max)

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DATE		
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(or closed)		
AIR CONDITIONING FEB 1,2018	PM-A1802M-075	ATTIC-401
MONTHLY PMI AIR HANDLING UNIT		711120 102
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	DM 41000M 076	ATTIC ANI
	PM-A1002M-0/0	A111C-401
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	PM-A1802M-077	ATTIC-401
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	PM-A1802M-078	ATTIC-401
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	PM-A1802M-079	ATTIC.401
MONTHLY PMI AIR HANDLING UNIT	I II-VIONTII-012	ATTIC-401
FEB 28.2018		
	DU 41000U 000	ATTIC 401
AIR CONDITIONING FEB 1,2018	PM-A1802M-080	A111C-401
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	PM-A1802M-081	1231-402
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	PM-A1802M-082	402M5-402
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		,
AIR CONDITIONING FEB 1,2018	PM-A1802M-083	ATTIC - 402
MONTHLY PMI AIR HANDLING UNIT	LIJ-MTONZIJ-009	A1110-402
FEB 28,2018	DV 44000V 004	1
AIR CONDITIONING FEB 1,2018	PM-A1802M-084	ATT1C-402
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	PM-A1802M-085	ATTIC-402
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	PM-A1802M-086	ATTIC-402
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	DM_ &1.90.2M_ 0.97	ATTIC-402
MONTHLY PMI AIR HANDLING UNIT	111-MIO0211-007	A1110-402
FEB 28,2018	DU 41000U 000	17770 100
AIR CONDITIONING FEB 1,2018	PM-91805W-088	ATTIC-402
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	PM-A1802M-089	ATTIC-402
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
AIR CONDITIONING FEB 1,2018	PM-A1802M-090	ATTIC-403
MONTHLY PMI AIR HANDLING UNIT		
FEB 28,2018		
125 20,2010		

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WORK ORDER # List REQUEST HODE ADDED #

RAISED TEMP. CHECKED VAV OPERATION

CHECKED T/STAT - IT'S WORKING FINE

RAISED SLAB TEMP IN THIS ROOM

RAISED SLAB TEMP IN THIS ROOM

RAISED SLAB TEMP IN THIS ROOM

FEB 2,2018@13:29A180202-002

FEB 5,2018@08:12A180205-001

FEB 5,2018@09:58A180205-006

FEB 5,2018@12:00A180205-003

FEB 5,2018@12:00A180205-004

FEB 5,2018@12:01A180205-005

REPAIRED AIR LINES ON T/STAT SUBBASE & REPLACED T/STAT.

FEB 1,2018

AIR CONDITIONING TURNED UP HEAT FEB 2,2018

AIR CONDITIONING

AIR CONDITIONING

FEB 7,2018

FEB 7,2018 AIR CONDITIONING

FEB 7,2018 AIR CONDITIONING

FEB 7,2018

FEB 7,2018

AIR CONDITIONING

SHOP WORK PERFORMED (140 DATE	DATE char max)	WORK ORDER #	LOCATION	
COMPLETE (or closed)				
AIR CONDITIONING	FEB 1.2018	PM-A1802M-092	ATTIC-403	
MONTHLY PMI AIR HAND FEB 28.2018				
AIR CONDITIONING		PM-A1802M-093	ATTIC-403	
MONTHLY PMI AIR HAND FEB 28.2018	DLING UNIT			
AIR CONDITIONING	FEB 1,2018	PM-A1802M-094	ATTIC-403	
MONTHLY PMI AIR HAND FEB 28,2018	DLING UNIT			
· · · · · · · · · · · · · · · · · · ·	FEB 1,2018	PM-A1802M-095	1443-404	
MONTHLY PMI AIR HAND	DLING UNIT			
FEB 28,2018 AIR CONDITIONING	FEB 1,2018	PM-A1802M-096	ATTIC-404	
MONTHLY PMI AIR HAND	DLING UNIT			
FEB 28,2018 AIR CONDITIONING	FEB 1.2018	PM-A1802M-097	ATTIC-404	
MONTHLY PMI AIR HAND	LING UNIT			
FEB 28,2018 AIR CONDITIONING	FEB 1,2018	PM-A1802M-098	ATTIC-404	
MONTHLY PMI AIR HAND	•			
FEB 28,2018 AIR CONDITIONING	FEB 1.2018	PM-A1802M-099	ATTIC-404	
MONTHLY PMI AIR HAND		/12002// 055		
FEB 28,2018 AIR CONDITIONING	FFR 1 2019	PM-A1802M-100	ATTIC-404	
MONTHLY PMI AIR HAND		III ATOULII 100	711140 107	
FEB 28,2018 AIR CONDITIONING	EED 1 2010A	10:24A180201-003	3386-403	
WIK CONDITIONING	FED 1,2010@	TO:54WT00501.002	3300-403	

11044-410

3817-408

3500-405

11027-410

11031-410

11047-410

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### Environment of Care Committee - TempTrak Report





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From: Williams, Staci M.
To: (b) (6)

Subject: FW: Police Journal Summary 12/18/2017

Date: Thursday, April 12, 2018 12:10:51 PM

#### Correction to summary

Staci M. Williams, PharmD, RPh Associate Director Tomah VAMC 500 E. Veterans St Tomah, WI 54660 608-372-3971 x<sup>(b) (6)</sup>

From: (b) (6)

Sent: Thursday, April 12, 2018 11:48 AM

**To:** Williams, Staci M. (b) (6)

Subject: FW: Police Journal Summary 12/18/2017

#### Police Journal Summary Correction

The attached Police Journal Summary was sent with an error in regard to the date the summary is referring to. The Police Journal Summary subject and heading should actually be 12/17/17 not 12/18/17 as shown. This is corroborated by the hardcopy of the actual police journal from December 17, 2017 which indicates the event occurred at 11:36 AM on December 17, 2017 and was resolved by 11:50 AM on December 17, 2017.

If you have any further question please contact me,



From: (b) (6

Sent: Thursday, April 12, 2018 11:38 AM

To

**Subject:** FW: Police Journal Summary 12/18/2017

subject. 1 W. 1 office souther summary 12, 10, 2017

From: (b) (6)

Sent: Monday, December 18, 2017 1:29 AM

To: (6) (6)

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**Subject:** Police Journal Summary 12/18/2017

#### Police Journal Summary 12/18/2017

**1136 hours-** VA Police and Fire Department entered the Building 407 Out-patient Pharmacy due to high temperatures exceeding 90+ degrees. VA Fire Department reset the heating/cooling system, and the temp began to return to normal.

## Case 1:19-cv-00413-CRC Document 1-3 Filed 02/19/19 Page 44 of 73

From: (b) (6)
To: (b) (6)

Subject: FW: Room Temperatures for Pharmacy
Date: Monday, December 18, 2017 12:07:27 PM

Outpatient, Inpatient, and IV room have now been added to the Temp Track escalation notification.

They were not and this is where the ball dropped on this issue.



From: (b) (6)

**Sent:** Monday, December 18, 2017 11:46 AM

To: (b) (6)

Cc: (b) (6) Williams, Staci M. (b) (6)

**Subject:** Room Temperatures for Pharmacy

Please be advised that all room temperatures for Pharmacy are now on escalation for TempTrak notification. So in the event you were to get a notification for increase room temperature then you will need to call the Fire Department to have HVAC tech to come in if an adjustment can't be made with the thermostat.

Thanks,

(b) (6)

Emergency Preparedness Coordinator (EPC) PCI Manager (PIV Operations)

DEMPS Coordinator

TempTrak Coordinator

500 East Veterans Street Tomah, Wisconsin 54660

(b) (6)
(b) (6)

### Case 1:19-cv-00413-CRC Document 1-3 Filed 02/19/19 Page 45 of 73

 From:
 (b) (6)

 To:
 (b) (6)

 Cc:
 Williams, Staci M.

 Subject:
 Sensor History Report.pdf

**Date:** Monday, December 18, 2017 10:22:01 AM

Attachments:

Please note that the TempTrak for room temperature is NOT on the escalation notice to the Police. I can put them on it but they need to know what to do when it goes out of range. They would be alerted on escalation after 3 hours. At this time, Police are only on refrigerators and freezers since it is easy to determine the concern such as door ajar, unplugged, etc. Above is the timeframe when the room went out of range.

Thanks,

(b) (6)

B407/1785\_Pharm\_(Outpatient Pharm Room)\_T (080024/1)

(b)(3)

UTC Report Date: 12/15/2017 06:00:00 AM - 12/19/2017 05:59:59 AM

UTC Report Date: 12/15/2017 06:00:00 AM - 12/19/2017 05:59:59 AM **Execution Time:** 12/18/2017 10:15:02 AM Page 9

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From: <u>Brahm, Victoria P</u>

To: <u>Gowan, Matthew A.</u>; (b) (6)

Subject: RE: Draft Update IB for Pharmacy

Date: Friday, January 05, 2018 12:56:05 PM

Attachments: image001.png

image002.png image003.png image004.png

Made small change. (b) (6) will send you the final so that we are on the same page. Thanks,

Victoria F. Brahm, MSN, RN, VHA-CM

Tomah Medical Center Director

(b) (6) (b) (6)

From: Gowan, Matthew A.

**Sent:** Friday, January 05, 2018 11:47 AM

To: VHATOM QUADRAD Members (b) (6)

b) (6) (b) (6)

**Subject:** Draft Update IB for Pharmacy

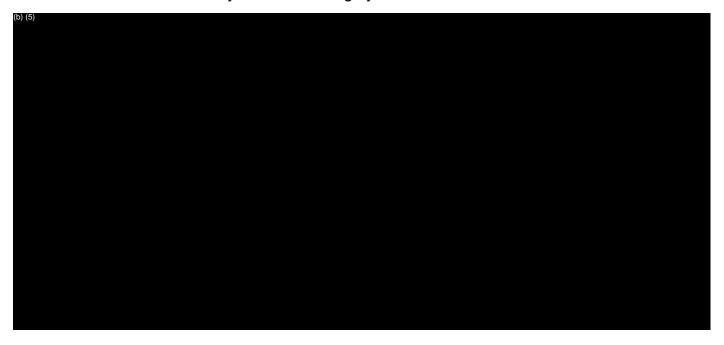
#### **VHA ISSUE BRIEF**

VISN 12 – Tomah VA Medical Center (VAMC) – Tomah, WI 54660

**Issue Title:** Temperature deviation in Outpatient Pharmacy

Date of Report: December 27, 2017, January 5, 2018

Brief Statement of Issue and Status: The outpatient pharmacy experienced an extended temperature deviation over the preceding weekend (12/16-12/17). Outpatient pharmacy temperatures were higher than controlled room temperature for 26 hours which adversely affects the integrity of the medication stock.





Contact for Further Information: Contact for Further Information: Staci Williams, Associate Director (608) 372-3971 x (5)(6)

(b) (6) Matthew Gowan ~ Public Affairs Officer ~ USN (Ret.)



### Case 1:19-cv-00413-CRC Document 1-3 Filed 02/19/19 Page 60 of 73

From: Williams, Staci M.
To: (b) (6)

Subject: FW: 676 - Tomah - Temperature deviation in Outpatient Pharmacy

**Date:** Friday, January 05, 2018 9:10:34 AM

#### Sent with Good (www.good.com)

From:

Sent: Friday, January 05, 2018 8:05:22 AM

To: Williams, Staci M.

Subject: RE: 676 - Tomah - Temperature deviation in Outpatient Pharmacy

**CORRECT** 

From: Williams, Staci M.

**Sent:** Friday, January 05, 2018 8:04 AM **To:** (b) (6)

Subject: RE: 676 - Tomah - Temperature deviation in Outpatient Pharmacy

No compromised medications went out, correct?

Staci M. Williams, PharmD, RPh

Associate Director

Tomah VAMC

500 E. Veterans St

Tomah, WI 54660

608-372-3971 (b) (6)

From:

Sent: Friday, January 05, 2018 7:30 AM

To: Williams, Staci M. (b) (6)

Subject: FW: 676 - Tomah - Temperature deviation in Outpatient Pharmacy

**Importance:** High

You or me?

- 1. No particular shortage adversely affected by this incident.
- 2. A majority within 24 hours. Some special orders took 48-72. Anything critical to a patient was filled with at least a partial supply so the Veteran would not go without.
- 3. A valve malfunctioned leaving the system on full.

From: (b) (6)

Sent: Thursday, January 04, 2018 10:45 AM

To: (b) (6) (b) (6)

Subject: FW: 676 - Tomah - Temperature deviation in Outpatient Pharmacy



From: (b) (6)

Sent: Wednesday, December 27, 2017 4:38 PM

To: (b) (6)

Cc: (b) (6)

>; Williams, Staci M. (b) (6)

Subject: 676 - Tomah - Temperature deviation in Outpatient Pharmacy

#### VHA ISSUE BRIEF

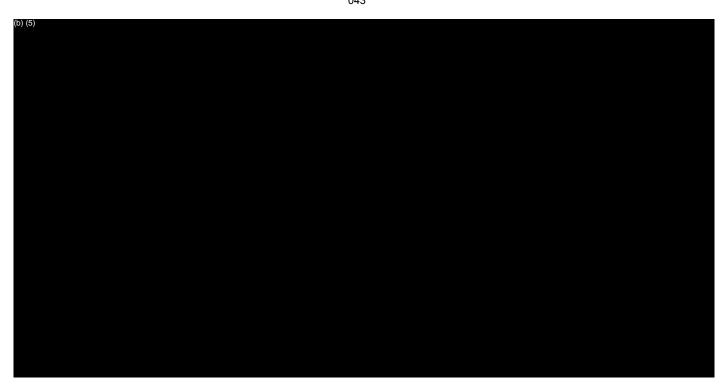
VISN 12 - Tomah VA Medical Center (VAMC) - Tomah, WI 54660

<u>Issue Title:</u> Temperature deviation in Outpatient Pharmacy

Date of Report: December 27, 2017

**Brief Statement of Issue and Status:** The outpatient pharmacy experienced an extended temperature deviation over the preceding weekend (12/16-12/17). Outpatient pharmacy temperatures were higher than controlled room temperature for 26 hours which adversely affects the integrity of the medication stock.





Contact for Further Information: Contact for Further Information: Staci Williams, Associate Director (608) 372-3971 Staci Williams,

# Case 1:19-cv-00413-CRC Document 1-3 Filed 02/19/19 Page 63 of 73

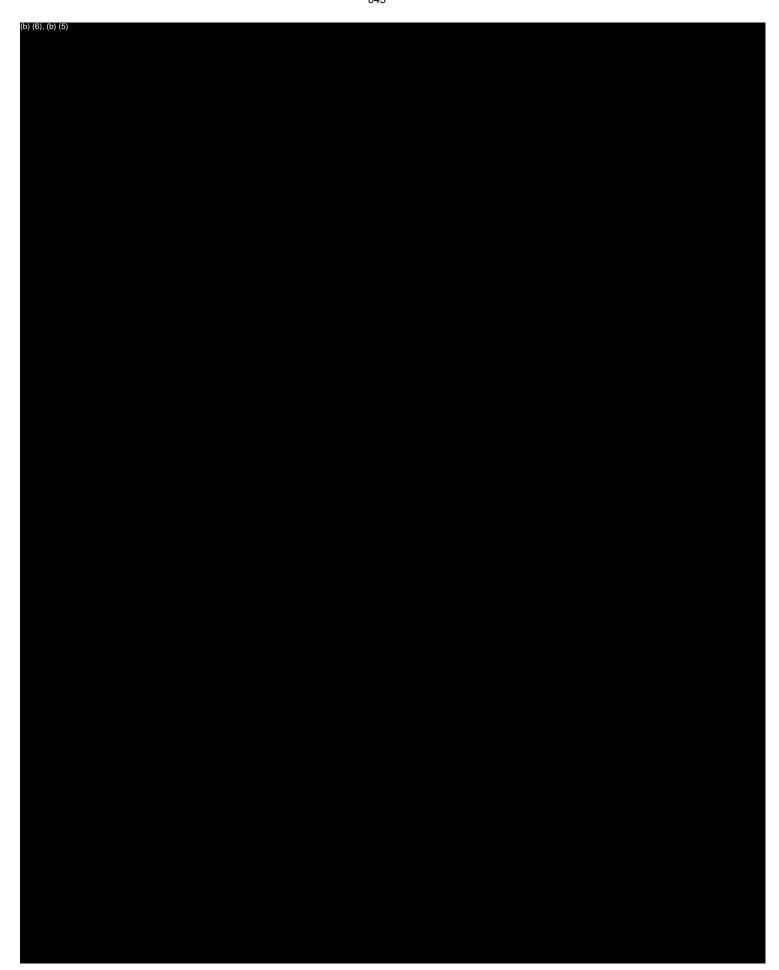
From: Williams, Staci M.
To: (b) (6)

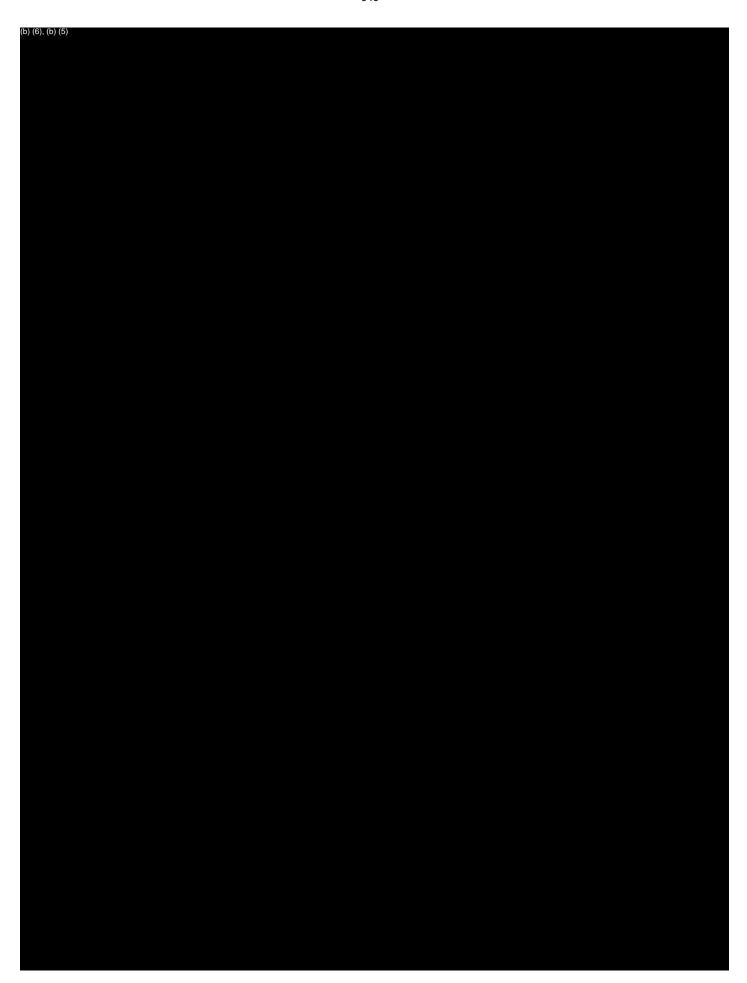
Subject: RE: destructions of heat excursion medications
Date: Wednesday, December 20, 2017 4:20:28 PM

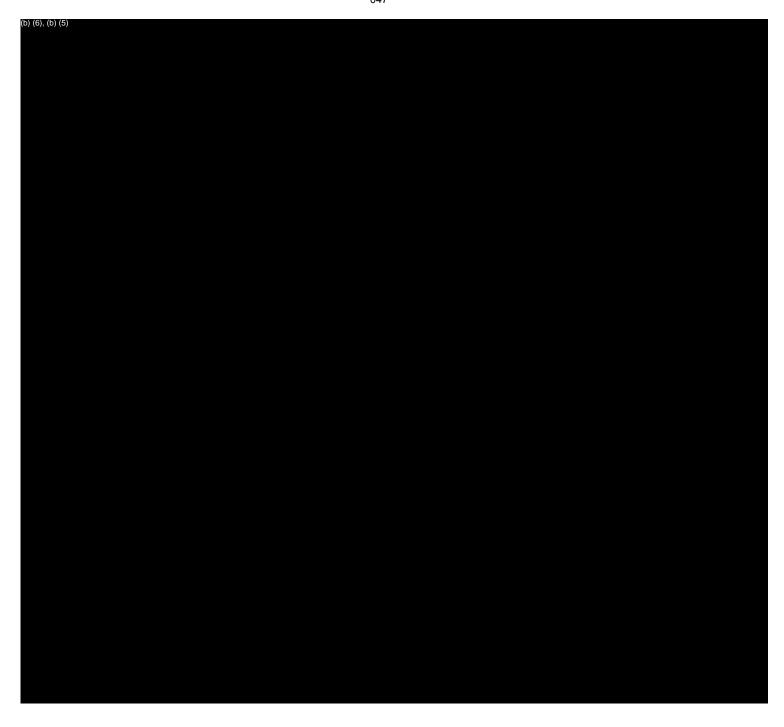
Try to recoup.

Staci M. Williams, PharmD, RPh Associate Director Tomah VAMC 500 E. Veterans St Tomah, WI 54660 608-372-3971 x<sup>(b)(6)</sup>









# Case 1:19-cv-00413-CRC Document 1-3 Filed 02/19/19 Page 67 of 73

From: (b) (6)
To: (b) (6)

Cc: Williams, Staci M.

Subject: Simvastatin and lovastatin temperature excursions

Date: Wednesday, December 20, 2017 10:47:00 AM

Simvastatin and lovastatin are fine.

It looks like studies are published on certain drugs that may help answer some of the questions about stability similar to Harvoni. I found this one regarding simvastatin and lovastatin. Just make sure you document anything that you reference.

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 From:
 (b) (6)

 To:
 (b) (6)

 Cc:
 Williams, Staci M.

Subject: FW: [EXTERNAL] RE: Temperature Excursion Information

**Date:** Friday, January 05, 2018 1:51:10 PM

This is the one positive response so far.

b) (6)

From: (b) (6)

**Sent:** Friday, January 05, 2018 1:47 PM

Cc: (b) (6)

**Subject:** [EXTERNAL] RE: Temperature Excursion Information

(b) (6)



From: (b) (6) . (c) (b) (6)

Sent: Friday, January 05, 2018 13:09

To: (6) (6)

**Subject:** Temperature Excursion Information

Lisinopril 40mg Amlodipine 5mg

Subjected to a temperature excursion above 86 degrees for 26 hours with a peak temperature of 97.1 degrees.

(b)(5)

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Thank-you.



Tomah WI 54660 608-372-3971<sup>(b) (6)</sup>

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From: (b) (6)

To: (b) (6)

Cc: Williams, Staci M.; (b) (6)

Subject: RE: Pharmacy budget excursions-December 2017

Date: Wednesday, December 20, 2017 9:09:19 AM

Thanks for the heads up.

From: (b) (6)

Sent: Wednesday, December 20, 2017 9:07 AM

To

Cc: Williams, Staci M. (b) (6)

**Subject:** Pharmacy budget excursions-December 2017



Over the weekend of December 16-17, 2017, Outpatient Pharmacy temperatures rose to a TempTrak recorded 97.3 degrees. Excursions greater than 86 degrees were for about 34 hours. Consequently, Pharmacy needed to replace existing stock of medications in the main portion of our Outpatient Pharmacy. I've been given an approximate figure of \$60,000.00 for replacement of pharmaceuticals and supplies. An issue brief was given to Vicki Brahm on Monday, 12/18/17. I wanted to make sure you were aware of the situation for when this 1358 comes through. Additionally, we had staff putting in extra time on the 18<sup>th</sup> to reorder and the 19<sup>th</sup> to restock shelves so there will be a small spike in our OT budget (which I believe we will remain within our projected budget by end of the fiscal year).

Respectfully,



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From: (b) (6)

To: (b) (6)

Subject: FW: Overheated pharmacy

**Date:** Monday, December 18, 2017 12:10:42 PM

I hope this helps.

(b) (6)

From: (b) (6)

**Sent:** Monday, December 18, 2017 12:08 PM

To: (b) (6)
Cc: (b) (6)

Subject: RE: Overheated pharmacy

(b) (6)

We had some temperature issues in our inpatient pharmacy a few weekends ago, but were fortunate in that we were able to obtain portable AC units to keep our medication stock within allowed temperature ranges. I mostly referred to USP <659> which had the following temperature information:

- Controlled room temperature = 20-25C (68-77F).
- As long as mean kinetic temperature does not exceed 25C (77F), excursions for room temp meds are allowed between 15-30C (59-86F).
- As long as mean kinetic temperature does not exceed 25C (77F), excursions for room temp meds are allowed up to 40C (104F) for no more than 24 hours.
- Excursions above 40C (104F) or greater than 24 hrs = use manufacturer data.

(b) (6)

The mean kinetic temperature equation looks like it depends on the timing of temperature data points; if you have some type of automated temperature recording system (have temps and times available), you should be able to calculate this relatively easily. There are a few mean kinetic temperature calculators available online or tutorials through Google on how to set up an Excel spreadsheet that will calculate this for you. It looks to be a little labor intensive, but it could definitely be worth it for you.

Sorry I don't have more definite guidance for you, but I hope this helps point you in the right direction!

(b) (6

From: Sent: Monday, December 18, 2017 11:27 AM

To: (ID) (ID)

Cc: (ID) (ID)

Subject: RE: Overheated pharmacy

Hi (ID) (ID)

We had a similar problem in the summer. (ID) (ID)

Di(ID)

From: Sent: Monday, December 18, 2017 10:52 AM

To (ID)

Subject: FW: Overheated pharmacy

Maybe you can help this person out...

From

Sent: Monday, December 18, 2017 10:47 AM

To:

**Subject:** Overheated pharmacy

Just wondering if anyone knows of a site or information available for medications that may have been overheated due to a faulty thermostat in out pharmacy over the week-end. Our alarm system went off but no one responded to it so the pharmacy got up to 97 degrees. Does anyone have a policy that we need to follow in this type of situation. From what we are seeing looking at drug inserts we could be disposing of a lot of medication and I would hate to waste any more than necessary.

Any guidance would help.

Thank you.

